



# Request for Proposals (RFP)

**Issue Date:** July 24, 2023

**Title:** **GRM/230625: PROFESSIONAL PLANNING CONSULTING SERVICES**

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## SECTION 1. BACKGROUND AND PROJECT OVERVIEW

### 1.1. **BACKGROUND**

The City of Ocala, Florida ("City"), seeks proposals from qualified firms for professional planning services to lead the development of the 2050 City of Ocala Master Plan (the "2050 Vision"). To be eligible for consideration, the proposing firm must be capable of providing the services described herein and must meet all other criteria as outlined in this Request for Proposals (RFP).

### 1.2. **PROJECT OVERVIEW**

The purpose of this RFP is to identify and contract with a highly qualified planning or interdisciplinary firm consultant to assist the City with as needed planning related tasks, with the first being to lead and prepare the City's comprehensive master plan update for 2050 (the "Project"). This Project will completely update the City's 2035 Master Plan (the "2035 Vision") to assist City management in its efforts to ensure that Ocala's quality of life is enhanced and protected as the City continues to grow.

The City desires to have an updated, well organized, concise and engaging plan focused on infill development/redevelopment, developing a strong economic base, a financially feasible land use plan, improved mobility, smart growth concepts, neighborhood planning and the protection of natural resources. The updated master plan shall provide for a wide range of decisions concerning annexation, land use, design, development, and capital improvement priorities.

### 1.3. **COMMUNITY DESCRIPTION**

The City of Ocala, incorporated in 1885, is the largest municipality located in Marion County. Located in Northern Central Florida, Ocala's city limits encompass a land area of 47.26 square miles. Ocala's unique central location to both coasts and other top Florida destinations via a strong highway system contributes to the area's attractiveness for residents and businesses.

Ocala has been among the fastest growing cities in the nation for nearly three years. In 2020, the City's population was 63,591 according to the U.S. Census. Today, Ocala has an estimated population of 65,478 full-time residents. While the majority of the residential growth has occurred in the County, the City continues to serve as the main economic center for retail, office, industrial and health care in the

community. It is estimated that the City of Ocala supports a daytime population of about 120,000 people based on its central location and economic position in the county.

Ocala offers numerous outdoor and recreational opportunities, an excellent subtropical climate, 33 City parks, world-renowned Silver Springs attraction, and the Fort King National Landmark. Historic preservation is celebrated within the City's four historic districts, with some buildings dating from the mid-1800s. Ocala is within close proximity to rolling green fields of horse farms, open space preserves, outstanding golf courses, friendly communities, crystal-clear rivers, and fresh-water springs, the Ocala National Forest, the Silver River State Park, and the State of Florida's network of trails and greenways.



The Ocala Civic Theatre offers live, professional-quality musical and dramatic productions and is the second largest community theater in the state. Other art and cultural entities include the historic Marion Theatre, Central Florida Symphony, Marion Cultural Alliance at the Brick City Center for the Arts, and the Webber Center at Central Florida Community College. The City of Ocala also organizes many unique and diverse community activities, such as "One Ocala One America," and "Light-Up Ocala," a Christmas-related celebration.

The City is governed by the council-manager form of government. Voters elect a five-member City Council with four members elected by district and one member at-large to serve a four-year term. The Mayor is elected at-large to serve a two-year term. The City Manager is appointed by City Council and serves as the City's chief administrative officer who is responsible for carrying out policy, administering City affairs and keeping City Council informed on governmental operations.



## **SECTION 2. PROJECT OBJECTIVES, FOCUS AREAS, AND DELIVERABLES**

The City of Ocala is seeking a highly qualified planning or interdisciplinary firm with pertinent experience in urban design consulting, redevelopment planning, geographic information systems (GIS), economic development strategies for the housing, commercial and industrial sectors, and land use code/regulation

writing. One or more Consultants may be tasked with providing a broad range of professional urban planning services over a period of three years. A detailed scope of services and an assignment of duties will be provided for each assigned task. The use of sub-consultants will be allowed to address certain issues or tasks.

Professional services to be performed by Consultant shall include, but may not be limited to, those items identified under the Consultant Deliverables section of this RFP.

## **2.1. CONSULTANT DELIVERABLES**

The Consultant's first task shall be to lead the 2050 Vision Project Team (the "Project Team"), in its review of the existing master plan vision statement and development of a new vision statement and revised master plan document which will integrate current planning policies, goals, and objectives where appropriate. The Project Team shall be comprised of the City Manager's Office, Growth Management staff, and working groups.

The revised comprehensive plan shall identify a clear and concise vision, key trends and issues, desired outcomes (goals and policies) and implementation strategies based on further public input and discussion. The awarded consultant is encouraged to be creative when proposing a plan that they believe will best serve the City of Ocala and to support its work through collaborations with the Project Team.

The Consultant shall provide actionable recommendations to address current and future issues that will result in positive outcomes for the City.

### **A. Deliverable 1 – Vision 2050**

The 2050 Vision is intended to examine Vision 2035 and determine the needed additional responses to all of those impacted by it, to include residents, businesses, and other constituent groups. Efforts and accommodations should be made to include low to moderate income, minority, ethnically diverse, and elderly or disabled citizens whenever possible. The City not only intends to utilize this update as an opportunity to gather ideas and feedback, but also as an opportunity to increase the visibility of and excitement about planning in the community. At the time of award, the City of Ocala will have started the process and outreach for updating Vision 2050. The awarded Consultant will be expected to work with the City to refine and finalize the scope of work for this deliverable prior to the Consultant's engagement into the project.

(1) Consultant will be asked to assist Project Team in collecting and compiling information necessary to update the City's 2035 Vision to a 2050 Vision, including necessary and subsequent comprehensive plan amendments. The Consultant will coordinate with City staff to assess the City's progress toward Vision 2035. Working toward Vision 2050, data and analysis shall include, but may not be limited to: changes in state law, annexation and land use changes, comprehensive plan text amendments, socio/demographics, review of related City studies, multi-modal transportation, community facilities and services, housing needs and inventory, natural resources, economic indicators, history and heritage, and recreational needs and opportunities. The data, background information and input received from community outreach efforts and engagements, will be compiled to form the basis for the 2050 Vision document.

- (2) With the assistance of the Project Team, the awarded Consultant shall prepare an engaging, useful Vision 2050 document which can be implemented in a practical manner as defined by the deliverable task. The plan update will be presented in written form, have an online presence and be downloadable in ADA compliant PDF format. The Consultant shall incorporate visuals, graphics, plans, charts graphs, summaries and other presentation tools tailored to the master plan's various audiences. All digital map files shall be compatible with ESRI ArcGIS software.
- (3) The final Vision 2050 update document shall include the following content sections/content areas:
  - Executive Summary;
  - Introduction/Overview of the current state of the City and current and emerging issues;
  - Vision Statement;
  - Summary of public input;
  - Theme-based content that identifies needs, challenges, and opportunities available to the City;
  - Implementation Plan outlining specific actions to be taken by the City and its staff over the Vision period and the amount of funding anticipated to be needed to complete those actions;
  - References to the existing Vision 2035, Comprehensive Pan and related documents, reports, and information as needed; and
  - References to the information utilized to create the Vision 2050 update.
- (4) The revised Vision and any other documents prepared on behalf of the City pursuant to the resulting contract shall become the property of the City of Ocala for its exclusive use. Consultant shall submit all draft/interim reports and materials in electronic form. Copies of all presentation materials including displays and digital presentations used by the consultant at meetings shall be provided to the City in reproducible form.
- (5) Consultant shall prepare an interim draft of the Vision 2050 update for review by the Project Team and, subsequently, by City Council and the public. Consultant shall collect comments from stakeholders and prepare a final draft of the master plan update for City Council's consideration and adoption at a public hearing.

**B. Deliverable 2 - Comprehensive Plan Update**

- (1) The update of the Ocala 2035 Vision to the Ocala 2050 Vision is necessary to guide the appropriate updates to the City's comprehensive plan to ensure that Ocala's quality of life is enhanced and protected as the City continues to grow. The Vision update is anticipated to focus on infill development/redevelopment, developing a strong economic base, a financially feasible land use plan, improved mobility, smart growth concepts, neighborhood planning and the protection of natural resources. The Vision will serve as a guide for updating the Comprehensive Plan and shall provide for a wide range of decisions concerning annexation, land use, design, development, and capital improvement priorities. The updated plan will:

- Implement the 2050 Vision;
- Provide clear and succinct goals, objectives, and policies;
- Identify and address current and future key issues facing the City;
- Utilize current and accurate data;
- Be well organized, easy to read and use;
- Eliminate wish items and specific dates/timeframes;
- Provide a dynamic land use plan that is design-oriented and is flexible with regard to use and implementation;
- Provide a framework for shaping and managing the City's future growth;
- Focus on the physical and economic aspects of the City;
- Incorporate best practices with regards to urban design, transportation, and sustainability;
- Link future growth and development to the Capital Improvements Element;
- Identify the need for developing further subarea plans or refining existing sub area plans;
- Provide specific implementation strategies and standards that include performance measures where appropriate;
- Provide direction toward creation of a unified land development code; and
- Review City's zoning districts and associated zoning map for further consolidation consistent with the updated comprehensive plan.

(2) The revised comprehensive plan and any other documents prepared on behalf of the City pursuant to the resulting contract shall become the property of the City of Ocala for its exclusive use. Consultant shall submit all draft/interim reports and materials in electronic form. Copies of all presentation materials including displays and digital presentations used by the consultant at meetings shall be provided to the City in reproducible form.

(3) Consultant shall prepare an interim draft of the Comprehensive Plan update for review by the Project Team and, subsequently, by City Council and the public. Consultant shall collect comments from stakeholders and prepare a final draft of the master plan update for City Council's consideration and adoption at a public hearing.

**\*\*\*DELIVERABLES 3 AND 4 ARE OPTIONAL BID ITEMS – PROPOSERS ARE ASKED TO INCLUDE PRICING FOR THESE OPTIONAL SERVICES\*\*\***

### **C. Deliverable 3 - Unified Land Development Code**

After completion the awarded Consultant shall recommend strategies to accomplish the City's goals and propose mechanisms to reasonably implement those recommendations. As part of those strategies, the Consultant shall:

- Provide details about municipal regulatory structures that need to be amended to achieve the specified goals of the plan update;

- Assist staff in planning and development necessary updates to the City code that implements the 2050 Vision and provides the framework for establishing an updated and Unified Land Development Code;
- Identify which entities should carry out the steps needed to achieve those goals;
- Prepare a clear timeline for implementation that considers how best to prioritize the goals;
- Recommend amendments to the City’s zoning ordinances, infrastructure design, construction and administration standards, land development regulations, as well as policy changes or amendments to other provisions of the City Code and specify details of potential capital improvements, additional studies, and/or additional strategies that may be needed; and
- Identify resources necessary for implementation of the recommendations.

**D. Deliverable 4 – Subarea Plans**

The City currently has subarea plans for: Tuscawilla, West Ocala, Midtown, Downtown and Pine Oaks. The awarded Consultant may be tasked with the review and update of these area plans as well as the creation of new subarea plans.

**2.2. ESTIMATED BUDGET AND PROJECT SCHEDULE**

The estimated budget for Deliverable #1 and #2 is \$175,000.

Consultant shall begin work upon contract approval and complete all tasks no later than **April 1, 2025**.

A completed interim draft of the comprehensive plan update shall be delivered to the Project Team at least two months prior to the project completion date to allow time for final review and revisions. Consultant will provide a final draft of the comprehensive plan update, reflecting final revisions and including supporting documents, for the Planning and Zoning Board’s public hearing process and will make any additional changes.

**SECTION 3. MINIMUM ELIGIBILITY REQUIREMENTS**

- 3.1 The minimum eligibility requirements for this solicitation are listed below. Proposers who fail to comply with these minimum requirements shall be deemed to be non-responsive and shall not have their Proposal considered:
- A. Proposer must have no less than 10 years’ experience in long range planning, comprehensive plan updates and vision consulting services for projects similar in complexity.
  - B. Proposer must have completed at least four (4) directly comparable projects.
  - C. Key personnel assigned to this Project should have a minimum of 10 years’ experience in similar project roles.

**SECTION 4. PROPOSAL SUBMITTAL REQUIREMENTS**

- 4.1 All proposals must be electronically submitted by or before **2:00 PM**, on the listing end date/bid close date at [www.bidocala.com](http://www.bidocala.com) under the appropriate listing. The City will receive submittals until the time and date cited in our e-procurement system, ProRFx. Only submittals received

electronically on [www.bidocala.com](http://www.bidocala.com) by the correct time and date will be recorded. Any proposals received after the stated time and date will not be considered.

- 4.2 Proposer shall upload one (1) electronic submittal package through the listing on [www.bidocala.com](http://www.bidocala.com) for evaluation. Proposals may not be submitted by any other means. The City will not accept proposals sent by U.S. Mail, private couriers, fax, or email.
- 4.3 Proposers shall follow the submittal and content requirements as described herein. Should proposals not be provided in the format requested, Proposer may be deemed non-responsive and therefore ineligible for award
- 4.4 Proposers are encouraged to communicate any questions regarding this RFP by the deadline set forth above. Questions should be sent in writing via e-mail to **David Williams, Buyer** at [dwilliams@ocalafl.org](mailto:dwilliams@ocalafl.org). Questions and answers will be communicated to all proposers by issuing an addendum posted to [www.bidocala.com](http://www.bidocala.com).
- 4.5 **\*The City reserves the right to modify this schedule at any time. These dates may be extended, changed, or updated within the listing at [www.bidocala.com](http://www.bidocala.com). Proposers are responsible for verifying all listing information prior to submitting a response to this solicitation.**

## **SECTION 5. PROPOSAL CONTENT REQUIREMENTS**

- 5.1 Proposals must be clear, succinct, and **not exceed twenty (20) pages**, excluding, resumes, and letters of reference. All submittals must be complete and contain all required content.
- 5.2 **PAGE SIZE AND FORMAT:** Proposals shall contain 8 ½ x 11 sheet pages only with a minimum font size of 11 points.
- 5.3 **COVER PAGE:** The cover page shall include the title of this proposal, as follows, followed by Proposer's firm name, address, contact person, telephone number and e-mail address.

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2050 VISION MASTER PLAN UPDATE**

- 5.4 **REQUIRED SECTIONS:** The information described below shall be submitted with each Proposal and should be submitted in the order shown. Each Section should be clearly labeled with pages numbered and separated by a tab page. A Proposer's failure to include all listed items may result in the rejection of its Proposal.

**A. Tab 1 – Cover Letter/Letter of Interest.**

- (1) Provide a cover letter on signed by an authorized representative of Proposer's firm. The letter shall include:
  - a summary overview of your proposal and explain the reasons for your interest; and
  - the name, physical address, email address, and mailing address of the person who will respond to questions about this Proposal.

**B. Tab 2 - Project Team Qualifications and Experience**

- (1) Provide an organizational chart of depicting Proposer's key personnel that will be committed to the Project. Personnel identified in the organizational chart are expected by City to be used for the Project. City reserves the right to disallow substitutions without prior approval by City.
- (2) For each of these key personnel, describe their respective role and project responsibilities and provide a resume for each individual depicting education, certifications, professional affiliations, licensure, number of years in present position, project experience, and any other pertinent information. Include, as applicable, any specific information regarding the team member's experience in providing services for comparable Florida-based projects similar in complexity for the last five (5) years.
- (3) List all projects in Florida and/or the southeastern United States where the Proposing firm/team provided services for comparable projects in the last seven (7) years, whether completed or ongoing. For each project submitted as proof of experience, please identify:
  - Project name;
  - Project location;
  - Agency name;
  - Project initial budget and final project budget;
  - Project start date and completion date;
  - Number of change orders;
  - Summary of the work actually performed by your firm; and
  - Project reference information (name, title during project, phone, and e-mail).

**C. Tab 3 – Project Summary, and Proposer's Firm's History and Information**

- (1) Provide a brief narrative which provides a general description of the firm that is proposing to provide the services described herein, highlighting the firm's qualifications and its ability to provide the services detailed in the solicitation. If multiple organizations will be working together on the project, include the identity of the lead consulting firm.
- (2) Include the legal organization of the proposing firm along with the corporate history of the firm, length of time in business under the same name, and any former names of the firm.
- (3) Submit specific and verifiable information regarding the relevant Florida-based experience and proven track record of the firm and/or its principals in providing the scope of services identified in this solicitation, including experience in providing similar scope of services to Florida public sector agencies.



(4) Please also provide the following information:

- State the location of the principal office of your firm that will be responsible for the Project.
- Professional licenses held by the firm and by the key personnel who will be assigned to this Project, complete with license numbers and indication of whether license is held by the individual or the firm.
- Identify all contracts or subcontracts held by the firm or officers of the firm that have been terminated within the last five (5) years.
- Identify all claims arising from a contract which have resulted in litigation or arbitration within the last five (5) years. Briefly describe the circumstances and outcomes of each.
- If Proposer is a State of Florida Certified Minority Business Enterprise, provide a copy of said certification in the Appendix.

**D. Tab 4 – Project Narrative**

The Project Narrative shall describe the Consultant’s approach and technical plan for accomplishing the project elements described in this RFP, including methods and team member participation. Consultant is encouraged to elaborate and improve on the list of tasks set forth in this RFP but shall not delete any of the tasks described herein.

**E. Tab 5 – Scope of Work**

- Provide Consultant’s specific proposal and strategies for addressing each element of the Project as identified in this RFP.
- Prepare a detailed draft project schedule, which includes deliverables and timetables for accomplishing milestones for each element of the Project, as identified in this RFP.
- Incorporate a public engagement plan.
- Clearly identify the roles and responsibilities of the City, Project Team and working groups throughout the process.

**F. Tab 6 – Project Cost.**

Provide a lump sum, not to exceed cost proposal for the basic services in the RFP and Consultant’s proposal. Include optional services with pricing, as desired, based upon your professional recommendations and project understanding. For tasks that lack a definable work product, provide fully loaded hourly rates for responsible personnel. Include as necessary any breakdowns of professional services and reimbursable expenses.

## SECTION 6. SELECTION PROCESS, EVALUATION CRITERIA, AND SCORING

- 6.1 It is the intent of the City to award a contract to the Proposer who, in the sole opinion of the City, is most qualified to perform the scope of services required. The following selection criteria, including financial and non-financial criteria, will be used to score the Proposals.
- 6.2 A total of **100 points** will be allocated during each evaluation phase. The Proposer with the highest score during Final Scoring will be selected as the intended awardee.
- 6.3 The City has the option to award or reject any or all proposers or contracts resulting from this solicitation.
- 6.4 The City reserves the right, prior to City Council approval, to cancel or terminate this solicitation, any negotiations, or the proposed agreement, without penalty.

### 6.5 ADMINISTRATIVE REVIEW OF PROPOSALS

- A. City Procurement staff shall first review all proposals in detail to make a determination as to the responsiveness of each proposer. A proposal will be deemed responsive where the submittal complies with the requirements as set forth in this solicitation. Only those proposals found to be responsive shall be submitted to the Selection Committee.
- B. If a proposal is found to be inadequate with regard to any of the requirements set forth in this solicitation, the City's Procurement and Contracting Officer, in his/her sole discretion, shall make a determination as to whether or not the deficiency can fairly be corrected or if the proposal should be rejected and found to be non-responsive.
- C. City reserves its right to waive any irregularities in the solicitation process, to reject any or all proposals, or to re-advertise this RFP if desired.
- D. Proposals that are incomplete, conditional, obscured, or which contain irregularities of any kind, may be rejected by the City.
- E. Requests for clarification of proposal(s) shall be in writing. Proposer's failure to respond to the City's request for clarification may result in such proposer being deemed non-responsive and serve as just cause to reject Proposer's response to this solicitation.

### 6.6 PROPOSAL EVALUATION PROCESS

#### A. Selection Committee Initial Review and Scoring/Shortlisting

- (1) The Selection Committee will be comprised of a minimum of three (3) members from various and appropriate City departments.
- (2) During the Selection Committee meeting, the committee members will independently review the proposals and will submit their individual rankings for each proposal to the Buyer for compilation in accordance with the following evaluation criteria:

<b>PROPOSAL EVALUATION / SELECTION CRITERIA</b>	<b>SCORING (100 POINTS)</b>
<b>Proposer’s Qualifications and Experience.</b> Firm’s record of successfully completing projects for similar services in the public sector. Demonstrated ability to meet project schedule and budget. Quality of project references.	<b>30</b>
<b>Project Team Composition and Experience of Key Personnel.</b> Education, experience, and organizational structure of key personnel. Record of experience and successful performance with similar projects. Adequacy of resources to complete the project.	<b>30</b>
<b>Understanding of Project Requirements and Project Approach.</b> Firm’s demonstrated understanding of issues facing the City and region. Innovative project approach tailored to the City of Ocala. Demonstrated understanding of the specific challenges to this project and how Proposer’s approach would address those challenges.	<b>30</b>
<b>Cost Competitiveness.</b> Value of services proposed for the project budget.	<b>10</b>

- (3) The City will determine, based on its sole discretion, whether one or more proposers will be shortlisted based upon the overall combined score of all Selection Committee members.

**B. Oral Presentation of Qualifications and Interview Session.**

- (1) In the City’s sole discretion, shortlisted firms may be invited for interview and oral presentation of qualifications. If granted, dates will be set for conducting interviews or presentations with shortlisted firms, and notification will be sent by e-mail and/or telephone of their assigned date and time, by Procurement staff.
- (2) During the interview and oral presentation session, firms shall be prepared to provide a presentation of the proposed project and firm qualifications, and to field questions from the Selection Committee.
- (3) This session is intended to provide shortlisted firms with an opportunity to clarify Selection Committee questions and/or to further elaborate on submittals as deemed necessary by the Selection Committee.
- (4) The presentations and information provided by shortlisted firms during this session will be used for final scoring by the Selection Committee.
- (5) The City shall not be responsible for any costs or expenses incurred by proposers for proposer’s participation in any interviews, presentations, or negotiations.

**C. Final Scoring.**

- (1) Each Selection Committee member shall independently score each of the shortlisted firms based on the following evaluation criteria:

<b>ORAL PRESENTATION EVALUATION CRITERIA</b>	<b>SCORING (100 POINTS)</b>
<b>Proposer’s Qualifications and Experience.</b> Project Team members demonstrated that they are qualified to perform the work. Firm provided comparable projects that they have been involved with.	<b>40</b>
<b>Understanding of the Project Requirements and Project Approach.</b> Consultant demonstrates understanding of Project’s key elements. Consultant demonstrates knowledge of related standards, processes, and procedures. Consultant recognized and identified special circumstances related to the Project. Consultant provided logical approach to tasks and Project issues.	<b>40</b>
<b>Quality of the Interview.</b> Interview was clear and concise. Questions were appropriately answered by Consultant.	<b>20</b>

- (2) Once the individual scores are received, Procurement Department staff shall total the scoring across all Selection Committee members and shall rank the firms from highest to lowest based on their numerical score.
- (3) The firm receiving the highest score shall receive the rank of Number 1, the firm with the second highest score shall receive the rank of Number 2, and so on until all shortlisted firms are ranked.
- (4) The firm receiving the highest score shall be recommended for award subject to successful contract negotiations and Council approval.

**SECTION 7. INQUIRIES, ADDENDA, ANTI-LOBBYING AND ANTI-COLLUSION**

- 7.1 Any and all questions must be submitted to the Procurement Department electronically via [www.bidocala.com](http://www.bidocala.com). Responses will be made electronically and posted online. It is the responsibility of the proposers to check for updates.
- 7.2 If necessary, any addenda will be posted on the [www.bidocala.com](http://www.bidocala.com) website.
- 7.3 It is our standard policy no addenda will be issued later than three (3) calendar days prior to the date for receipt of proposals, except an addendum withdrawing the solicitation or one which includes postponement of the date for receipt of proposals.
- 7.4 No verbal or written information which is obtained other than by information in this document or by an addendum to this request will be binding on the City.
- 7.5 All terms and conditions of this request, any addenda, proposer’s submissions, and future negotiated terms shall be incorporated into the contract by reference as set forth herein.
- 7.6 **ANTI-LOBBYING:** Any bidder/proposer violating anti-lobbying in Section 8 will have their proposal rejected and will not be considered further.

7.7 **ANTI-COLLUSION STATEMENT/PUBLIC DOMAIN:** Proposer shall not divulge, discuss, or compare this Request for Proposal with any other proposer or collude with any other proposer in the preparation of this response in order to gain an unfair advantage in the award of this contract. By submitting a response, Proposer acknowledges all information contained herein is part of the public domain as defined in the Public Records Act, Chapter 119, Florida Statutes.

## **SECTION 8. CONFLICT OF INTEREST**

- 8.1 All firms must list all and any affiliations they have with other firms.
- 8.2 The award hereunder is subject to the provisions of Chapter 112, Florida Statutes, as amended, governing conflict of interest. All proposers must disclose with each proposal the name of any officer, director or agent who is also a public or City employee. Further, all Proposers must disclose the name of any public employee who owns directly or indirectly an interest of five percent (5%) or more in the proposer's firm or any of its branches. City of Ocala municipal employees, appointed persons, and elected officials (herein referred to as "employees") may engage in outside activities and hold financial interests subject to the requirements of City of Ocala Employee Handbook regulations, state law, and federal regulations and law, if applicable. Every employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City of Ocala ("City") must complete an "Officer and Employee Disclosure Statement" and file the statement with the required procurement documents submitted to the respective procurement staff member. A statement must be submitted with every procurement response if the proposer has a disclosure to document. This statement is available at <https://www.ocalafl.org/home/showpublisheddocument/19443/637877785569170000> Submitted proposals will be reviewed by Procurement staff. Proposals that are not responsive or responsible will be rejected.

## **SECTION 9. LOBBYING AND PROPOSER CONTACT**

- 9.1 PROPOSERS ARE HEREBY ADVISED THAT CONTACT IS NOT PERMITTED WITH ANY CITY PERSONNEL, ELECTED OFFICIAL, OR BOARD MEMBER RELATED TO OR INVOLVED WITH THIS REQUEST. PROPOSERS ARE RESTRICTED FROM DISCUSSING THEIR SUBMITTALS AND THIS INVITATION NEGOTIATE WITH COMPETING FIRMS UNDER THIS LISTING. ALL ORAL OR WRITTEN INQUIRIES MUST BE DIRECTED THROUGH THE ASSIGNED PROCUREMENT PERSONNEL.
- 9.2 LOBBYING IS DEFINED AS ANY ACTION TAKEN BY INVITATION NEGOTIATE AN INDIVIDUAL, FIRM, ASSOCIATION, JOINT VENTURE, PARTNERSHIP, SYNDICATE, CORPORATION, AND ALL OTHER GROUPS WHO SEEK TO INFLUENCE THE GOVERNMENTAL DECISION OF A CITY COUNCIL MEMBER OR ANY CITY PERSONNEL AFTER ADVERTISEMENT AND PRIOR TO THE CITY COUNCIL VOTE ON THE AWARD OF THIS CONTRACT. CONTACT WITH OTHER SUBMITTING PROPOSERS IS RESTRICTED AFTER ADVERTISEMENT AND PRIOR TO THE CITY COUNCIL VOTE ON THE AWARD OF THIS CONTRACT.
- 9.3 ANY PROPOSER OR ANY INDIVIDUALS THAT LOBBY ON BEHALF OF PROPOSER OR INTERACT WITH OTHER PROPOSERS AS DESCRIBED IN 8.1 AND 8.2 DURING THE TIME SPECIFIED WILL RESULT IN REJECTION/ DISQUALIFICATION OF THEIR PROPOSAL UNDER SAID INVITATION NEGOTIATE.

**SECTION 10. CITY OF OCALA PROTEST POLICY**

- 10.1 ANY PROPOSER WHO IS ADVERSELY AFFECTED BY THE RECOMMENDED AWARD MAY FILE A PROTEST WITHIN THE TIME PRESCRIBED IN THE CITY OF OCALA PROCUREMENT POLICY LOCATED AT <https://www.ocalafl.org/home/showdocument?id=19405>.
- 10.2 FAILURE TO POST BOND WITH THE CITY OR TO ADHERE STRICTLY TO THE REQUIREMENTS OF STATUTES AND CITY OF OCALA RULES PERTAINING TO PROTESTS WILL RESULT IN SUMMARY DISMISSAL BY THE CONTRACTING OFFICER FOR THE CITY.

**SECTION 11. ADDITIONAL CITY REQUIREMENTS**

**INDEMNIFICATION CLAUSE.** Consultant shall indemnify City and its elected officials, employees and volunteers against, and hold City and its elected officials, employees and volunteers harmless from damages, claims, losses, costs, and expenses, including attorneys' fees, which City or its elected officials, employees or volunteers may sustain, or which may be asserted against City or its elected officials, employees or volunteers, arising out of negligent errors, acts, or omissions by Consultant and contemplated by this Agreement to the extent allowed by section 725.08, Florida Statutes, and to the extent that the services rendered pursuant to the Agreement were services of a "Design Professional" as defined in section 725.08(4), Florida Statute, including without limitation, harm or personal injury to third persons during the term of this Agreement.

- 11.1 **MATERIALS.** All materials submitted as a response to this solicitation shall become the property of the City.
- 11.2 **COST INCURRED IN RESPONDING.** The City is not liable for any cost incurred by any proposer interested in submitting a development proposal, or any selected proposer, prior to the execution of a contract.
- 11.3 **INDULGENCE.** Indulgence by the City on any non-compliance by the proposer does not constitute a waiver of any rights under this request.
- 11.4 **E-VERIFY.** The Proposer shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Proposer during the term of the contract and shall expressly require any subconsultants performing work or providing services pursuant to the state contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subconsultant during the contract term.
- 11.5 **ASSIGNMENT.** The final selected proposer shall not assign, transfer, convey, sublet, or otherwise dispose of any award, or any or all of its rights, obligations, or interests under this contract, without the prior written consent of the City.
- 11.6 **CONTRACTUAL ARRANGEMENTS.** A City agreement will be drafted with the successful proposer(s) and all general City terms and conditions apply.
- 11.7 **PUBLIC RECORDS.** All written competitive submissions received by the City pursuant to this RFP including all replies, oral presentations, other submissions, correspondence, meetings and records

made thereof, and any other records concerning this solicitation shall be handled in accordance with Chapter 119, Florida Statutes, and Article 1, Section 24, of the Florida Constitution.

Sealed proposal responses or replies received by the City in response to its solicitations are exempt from public disclosure until such time as the City provides notice of an intended decision or until thirty (30) days after the opening of the proposals, whichever is earlier. If the City rejects all proposals or replies pursuant to this solicitation and provides notice of its intent to reissue the solicitation, then the rejected proposals or replies remain exempt from public disclosure until such time that the City provides notice of an intended decision concerning the reissued solicitation or until the City withdraws the reissued solicitation. A proposal or reply shall not be exempt from public disclosure longer than twelve (12) months after the City's initial notice rejecting all proposals or replies.

Upon award recommendation or ten (10) days after opening, bids become "public records" and shall be subject to public disclosure consistent with Chapter 119 (Public Records) and Section 815.045 (Trade Secret Information), Florida Statutes. Should bidders/proposers consider any information related to their proposal or the services to be provided to City to be proprietary, a trade secret, or otherwise constitute confidential material under Florida or federal law, bidder/proposer shall designate such portion of the material as such by clearly marking it as CONFIDENTIAL, PROPRIETARY, or TRADE SECRET and submit both a non-redacted and redacted copy of their submission. The redacted copy shall only exclude or obliterate the exact portions claimed to be confidential, proprietary, or trade secret. Additionally, bidder/proposer shall state the basis for of the exemption that it contends is applicable to the record, to include the statutory citation to an exemption created or afforded by statute.

**THE CITY WILL MAKE NO EFFORT TO VERIFY WHETHER OR NOT THE REDACTED MATERIAL IS EXEMPT FROM CHAPTER 119, FLORIDA STATUTES. THAT DETERMINATION IS TOTALLY THE RESPONSIBILITY OF THE BIDDER/PROPOSER AND THE BIDDER/PROPOSER SHALL BE SOLELY RESPONSIBLE FOR DEFENDING ITS DETERMINATION THAT THE REDACTED PORTIONS OF ITS RESPONSE ARE CONFIDENTIAL, TRADE SECRET, OR NOT OTHERWISE SUBJECT TO DISCLOSURE. PROPOSER SHALL PROTECT, DEFEND, AND INDEMNIFY THE CITY FOR ANY AND ALL CLAIMS ARISING FROM OR RELATING TO PROPOSER'S DETERMINATION THAT THE REDACTED PORTIONS ARE NOT SUBJECT TO DISCLOSURE. IF THE PROPOSER FAILS TO SUBMIT A REDACTED COPY OF ITS SUBMISSION, ANY CLAIM OF CONFIDENTIALITY IS WAIVED, AND THE CITY SHALL BE AUTHORIZED AND REQUIRED TO PRODUCE THE ENTIRE DOCUMENT OR RECORD IN ITS ANSWER TO A PUBLIC RECORDS REQUEST FOR SAID RECORDS.**