

ORDINANCE NO. C-13-32

AN ORDINANCE OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 2-194, COMPETITIVE NEGOTIATIONS, AND SUBSECTION 2-199.2(c), PREFERENCE, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO PROVIDE FOR REQUESTS FOR QUALIFICATIONS, AND TO EXPAND THE APPLICATION OF LOCAL BUSINESS PREFERENCE, RESPECTIVELY, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCE PROVISIONS, AND AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Section 2-194 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

Sec. 2-194. Competitive negotiations.

- (a) *Conditions for use.* When the city manager or the city manager's designee determines that the use of competitive sealed bidding is either not practicable or not advantageous to the city, an award or a contract may be entered into by use of the competitive sealed proposals method or the request for qualifications method.
- (b) *Request for proposals.* Proposals shall be solicited through a request for proposals.
- (c) *Request for qualifications.* Statements of qualifications shall be solicited through requests for qualifications. The City shall evaluate professional services, including capabilities, adequacy of personnel, past record, experience, and other factors determined by the City to be applicable to its particular requirements.

(1) COMPETITIVE SELECTION.

For each proposed project, the City shall evaluate current statements of qualifications and performance data on file with the City, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three firms regarding their qualifications, approach to the project, and ability to furnish the required services.

ORDINANCE NO. C-13-

The City shall select in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the City shall consider such factors as the ability of professional personnel; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the City, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The City may request, accept, and consider proposals for the compensation to be paid under the contract only during the competitive negotiations process.

(2) COMPETITIVE NEGOTIATION.

The City shall negotiate a contract with the most qualified firm for professional services at compensation which the City determines to be fair, competitive, and reasonable. In making such determination, the City shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity.

Should the City be unable to negotiate a satisfactory contract with the firm considered to be the most qualified at a price the City determines to be fair, competitive, and reasonable, negotiations with that firm must be formally terminated. The City shall then undertake negotiations with the second most qualified firm. The City shall then undertake negotiations with the third most qualified firm. Failing accord with the third most qualified firm, the City must terminate negotiations. The City shall then undertake negotiations with the next most qualified firms in order of preference.

Should the City be unable to negotiate a satisfactory contract with any of the selected firms, the City shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subsection until an agreement is reached.

(d) Public notice. Adequate public notice of the request for proposals shall be given in the same manner as provided in section 2-180.

(e) Quotation of fees. The city shall also require interested persons to submit a quotation of their proposed fees or prices for the performance or delivery of their proposed services or goods, unless such interested persons are prohibited by law.

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ORDINANCE NO. C-13-

(f) *Evaluation factors.* The request for proposals shall state the relative importance of price and other evaluation factors.

(g) *Negotiation with responsible offerors and revisions to proposals.* Negotiations may be conducted with at least the three (3) best qualified responsible offerors who submit proposals who are determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. If less than three (3) reasonably susceptible offers are received, then negotiations may be conducted with all best qualified offerors. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion, negotiation, and revision of proposals and such revisions may be permitted through negotiations after submissions and prior to award for the purpose of obtaining best and final offers.

(h) *Award.* Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the city taking into consideration price and the evaluation factors set forth in the request for proposals. Approval of final award will be governed by the total estimated cost and provisions set forth in section 2-184. No other factors or criteria shall be used in the evaluation.

SECTION 2. Subsection (c) of Section 2-199.2 of the Code of Ordinances of the City of Fort Lauderdale, Florida, is amended to provide as follows:

- (c) *Preference.* For those purchases of goods and services in excess of fifty thousand dollars (\$50,000.00) via a request for proposals, invitation to bid, request for qualifications, or other competitive process, after completion of the final ranking, local vendors shall receive the following preferences:
- (1) *Class A business*—Ten (10) percent preference;
 - (2) *Class B business*—Seven and one-half (7.5) percent preference;
 - (3) *Class C business*—Five (5) percent preference.

SECTION 3. That if any clause, section, or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

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ORDINANCE NO. C-13-

SECTION 5. That this Ordinance shall be in full force and effect upon its final passage.

PASSED FIRST READING this the 3rd day of September, 2013.

PASSED SECOND READING this the ____ day of _____, 2013.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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