



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 2, 2014

TITLE: Proprietary Contract for New Market Tax Credit and Renewable Energy
Tax Credit Programs.

Recommendation

It is recommended that the City Commission approve a proprietary agreement for New Market Tax Credit (NMTC) and Renewable Energy Tax Credit (RETC) programs with Brian Wishneff & Associates, L.L.C., in substantially the form attached. This is a non-exclusive contract, and allows for other contractors to participate in the HTC program with the City.

Background

On May 6, 2014 (CAM 14-0585), the City Commission approved a one year contract for Historic Tax Credit (HTC) Consultant Services to the single, responsive and responsible proposer, Brian Wishneff & Associates, L.L.C.

The intent of the HTC is to assist in funding a portion of the renovation cost of current and future developments. Brian Wishneff & Associates has identified NMTC and RETC as additional programs that will assist in funding portions of renovation costs. Considering the fact that staff recently went out to bid for the tax credit program and only received one response, the use of competitive bids for these additional tax credit programs may not be in the best interest of the City. The recommendation is in accordance with Section 2-189(c) of the Code of Ordinances which provides:

There are occasions when it is not to the advantage of the city to utilize sealed competitive bids or proposals for the purchase of certain goods or services or purchases from certain types of entities. These instances include purchases from other governmental or educational agencies or from non-profit organizations. When the city manager or the purchasing manager determines in writing that while competitive bids could be utilized, their use may not be in the best interest of the city or are impractical, informal or formal bids will not be required but instead

the price and scope of services if applicable will be negotiated. Such determinations may include the purchase of the following goods or services or purchases from the following entities:

- (1) Work of art for public places;
- (2) Copyrighted materials or patented works or items including by not limited to books, maps, periodical, testing or instructional materials and software;
- (3) Entertainers, teachers, specialized instructors;
- (4) Purchasers from another governmental or educational entity or non-profit agency;
- (5) Purchase of items for resale;
- (6) City sponsored events at hotels, motels, restaurants.

This exemption from the normal bidding process does not mean that the city will make awards without an investigation of the pricing of products or services being purchased in order to determine that the city is obtaining the product or service at its lowest price and from a responsible supplier. Such purchases will require the approval of the city commission except those under twenty-five thousand dollars (\$25,000.00) which may be approved by the city manager or the city manager's designee. For purposes of this section "impractical" shall mean not subject to competition because the providers of the service or product are students, volunteers or persons in a training program.

Resource Impact

There is no fiscal impact to the City. Consultant service fees will be paid from tax credit programs rather than the City of Fort Lauderdale.

Strategic Connections

This item is a *Press Play Fort Lauderdale Strategic Plan* initiative, included within the Public Places Cylinder of Excellence, specifically advancing:

- Goal 12: Be a leading government organization, managing resources wisely and sustainably.
- Objective 1: Ensure sound fiscal management.

This item advances the *Fast Forward Fort Lauderdale 2035 Vision Plan: We Are Community*.

Attachment

Exhibit 1 – Agreement

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Department Director: Lee Feldman, City Manager