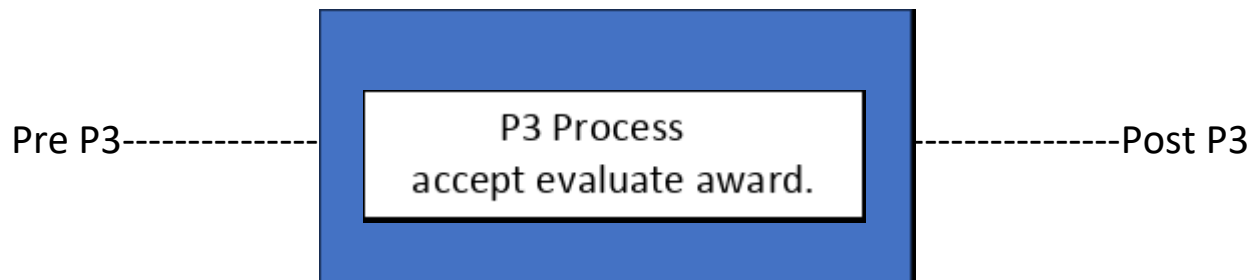


Council of Fort Lauderdale Civic Associations Comments on the October 2023

Draft P3 Ordinance Proposal

General positive aspects of the P3 Ordinance Proposal Regarding Unsolicited Proposals Only*

1. It incorporates solicited and unsolicited P3 Proposals into the city procurement process.
2. It designates the Chief Procurement Officer as the evaluator of proposals.
3. It requires a City Commission conference meeting prior to Commission acceptance** of an unsolicited P3 Proposal.
4. It establishes formal roles for the Chief Financial Officer, Director of Risk Management along with the City Attorney when drafting a Comprehensive Agreement.



Pre P3..... Before the P3 Process Begins per Florida Statutes. § 255.065(1),

1. The City Manager should not act independently to accept or reject an unsolicited P3 proposals.
2. Upon receipt of any unsolicited P3 proposals, the City Manager must notify the Commission, and the public. Notification should include posting on a city web page dedicated to Unsolicited P3 Proposals.

3. Upon notification that the City Manager has received an unsolicited P3 proposal and is evaluating it, the Commissioners cannot meet with the applicant.
4. City Commission should develop the criteria that the City Manager will use to review P3 proposals prior to the conference meeting(s) and these should be put in the ordinance. The results based on the criteria should be published on the P3 proposals page of the City's web site. Criteria to include:
 - Is there a need for the facility.
 - What is the land being used for now.
 - Is there a better use for this land.
 - What is the neighborhood impact of this proposal?
 - What is the appraised value of the land.
 - Is the risk reward ratio in the City's favor?
 - Others
5. The Conference meeting(s) is where the Commission, the public, and other parties can discuss public purpose and alternative uses for the property prior to the Commission **accepting**** the P3.
6. The Commission must articulate why they believe this type of project serves a public purpose.

The P3 Process Begins..... Per Florida Statutes. § 255.065(1),

1. Once the Commission declares a public purpose (see 6 above) and an unsolicited P3 is **accepted**** the State Statute must be followed.
2. The length of time to publish and accept alternative proposals for the same project is Commission discretionary.
3. The ordinance should be clear that the original project and alternative proposals cannot morph into something else during this part of the process.
4. The Chief Procurement Officer **evaluates***** the proposals. Should we put the evaluation criteria in the ordinance, let the Chief Procurement Officer do it, or accept the State Statute criteria? There are unique issues associated with a P3 proposal such as taxes, income stream, default costs, that the Chief Procurement Officer may not traditionally consider? Is there a role for the City Auditor?
5. How does the public see and comment on the evaluation and recommendation of the Chief Procurement Officer? They be posted on the web page. There be another required conference meeting(s).

6. The recommendation of the Chief Procurement Officer should go directly to the City Commission along with the City Managers analysis and recommendations.
7. The Commission **award****** should require a super majority like a PDD, or a unanimous vote as required to dispose of Parks per the Charter.
8. Once the Commission makes an award**** and City Attorney begins drafting the Interim or Comprehensive Agreements, the proposal gives specific roles to the Risk Management Officer and the Chief Financial Officer.
9. The draft agreement(s) should be published on the City's web site with enough time for the public to evaluate it.
10. The draft agreement should be discussed at a city conference meeting(s).
11. Once the agreement is complete to the satisfaction of the Commission, it should be published on the City web page and approval should require two public hearings.
12. Approval of an Interim and/or Comp Agreements should require a super majority.

Post P3 Process..... after the Comprehensive Agreement is signed

1. The city should designate a contract compliance officer who reports on compliance and monitoring
2. Renewals should not be automatic. The Comp Agreement should include a performance evaluation prior to the Commission granting any renewals. The performance evaluation should be conducted by the City Manager and published on the City's web page and made available to the public.
3. Renewals should be made by the City Commission and also require two public hearings.

Footnotes

* In solicited P3 Proposals the City sets the terms

** accept means the action taken by the City Commission to begin the P3 process.

*** evaluate means the action taken by the Chief Procurement Officer

**** award means the action taken by the Commission to enter into an Interim/Comprehensive Agreement with the successful proposer.