

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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The City of Wilton Manors invites proposals from qualified development firms, licensed in the State of Florida, to provide a proposal to enter into a Public-Private Partnership with the City to construct a project on city owned property at the corner of Wilton Drive and NE 21<sup>st</sup> Court.

**PRE-BID CONFERENCE: All potential proposers must attend a Pre-Proposal Conference** on Thursday, October 4, 2012 at 10:00 AM at City Commission Chambers located at 2020 Wilton Drive, Wilton Manors, FL 33305. There will be a brief presentation regarding the scope of work and an opportunity to ask questions about the request for proposal.

**TIME AND DATE DUE:** Twelve (12) signed copies of the proposal must be received no later than 2:00 p.m., Thursday, December 13, 2012. Responses shall be labeled “PPP RFP” and shall be delivered to the following address:

City of Wilton Manors  
City Clerk  
2020 Wilton Drive  
Wilton Manors, FL 33305

**RFP packages will be available on the City’s website [www.wiltonmanors.com](http://www.wiltonmanors.com) or may be picked up at the City Clerk’s Office. For further information contact:**

E-MAIL: [rwelker@wiltonmanors.com](mailto:rwelker@wiltonmanors.com)  
or

Randy Welker, Economic Development Coordinator  
City of Wilton Manors  
2020 Wilton Drive  
Wilton Manors, FL 33305

Questions and comments must be received no later than close of business, December 12, 2012. Proposers, their agents, and associates shall have no contact with City employees, City officials, or agents of the City until the award of RFP # 2012-9-10-01 has been presented. The only exception is during the period when questions regarding the RFP are allowed for as defined by the Calendar of Events when questions should be submitted to Randy Welker at [rwelker@wiltonmanors.com](mailto:rwelker@wiltonmanors.com). Please see attached Cone of Silence ordinance.

Publish Date: September 10, 2012.

# **City of Wilton Manors**

## **REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment**

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# City of Wilton Manors

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### **INTRODUCTION**



The City of Wilton Manors is approximately two square miles in area and is located in Broward County, Florida, just north of downtown Fort Lauderdale. Wilton Manors is often referred to as the “Island City” because its boundaries primarily follow the North and South Forks of the Middle River. Ideally located within minutes of the beach and downtown Fort Lauderdale, Wilton Manors is quickly becoming the “place to be” in South Florida.

The City is nearly 100% built-out and embraces the vision of a “sustainable urban village.” As part of its growth management strategy and in anticipation of redevelopment, Wilton Manors completed a major rewrite of its Comprehensive Plan and Unified Land Development Regulations (ULDRs). The ULDRs include regulations that promote New Urbanism and Smart Growth principles. The area adjacent to Wilton Drive, the City’s signature thoroughfare, is home to the Arts and Entertainment District. Within the District, mixed-use development provides for a pedestrian-oriented environment where residents and visitors can shop, dine, and experience the best of what Wilton Manors has to offer.

The City has acquired a great deal of park and open space, much of which is located on Florida’s Middle River. The riverfront parks provide a host of leisure and recreational opportunities including a canoe trail, mangrove preserve, and two nature walks. In addition, three new community centers have been constructed at the following locations: Island City Park Preserve; Hagen Park; and Richardson Historic Park and Nature Preserve. The Hagen Park Community Center features accommodations for hosting small cultural and performing arts events. Richardson Historic Park offers an environmental and historical venue. Serving to enhance Wilton Manors’ exceptional quality of life, the Wilton Manors Public Library has recently undergone a major expansion providing for a larger collection and extensive electronic resources.

Diversity is the strength of Wilton Manors. Children from many different ethnic backgrounds attend Wilton Manors Elementary School; the City’s workforce employs African-American, Haitian, and Hispanic personnel; and the City Commission includes openly gay elected officials.

Wilton Manors is ideally located, poised for redevelopment, and encourages diversity. Come and join us in the “Island City” and be a part of a diverse “sustainable urban village”.

# City of Wilton Manors

## REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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### **DESCRIPTION**

#### **City of Wilton Manors Request for Proposal**

Public – Private Redevelopment of City owned property

The City of Wilton Manors is seeking a real estate developer or a development team to enter into a public/private agreement to develop approximately 4+ acres of city owned property. The property is located at the southeast corner of Wilton Drive and NE 21<sup>st</sup> Court and is located adjacent to the City's "Wilton Drive Arts & Entertainment District".

The project site is primarily the land that is currently being used as a surface parking lot for the City. Both the survey of the site and the delineated aerial of the property include land and buildings that will not be part of the development area. Specifically, the existing City Hall / Police Station, secured police parking and the basketball courts will not be included in the development area. The retention area adjacent to the basketball court will be considered and alternative siting may be considered by the City gas pump at the rear of the property. (See attached survey and aerial of the city owned property).

In recent years the City of Wilton Manors has enjoyed a renaissance of Wilton Drive which serves as the "Main Street" and city center. Several high quality mixed use developments have been completed along Wilton Drive which is creating a greater residential presence in conjunction with retail and a very popular restaurant/night club scene. It is anticipated that the public/private development will add to this increased vibrancy and complement the new City Hall/Police Station and park facility to create a Town Center that will accommodate businesses, residents, and visitors alike.

The site plan should create a unique project that complements the urban environment of Wilton Drive, City Hall and the Hagen Park facilities. It is anticipated that the successful development will utilize the City's Urban Infill/Redevelopment Planned Unit Development (PUD) ordinance to achieve the best results and flexibility. This includes the ability to build at a maximum height of five (5) stories not to exceed 60 feet and a requirement of 25% open space.

Parking is an existing critical issue that must be addressed in the development proposal; the proposal must include in the design a parking structure to meet the needs of the project with at least 300 spaces available to the public. Proposal must also offer an interim parking solution during construction of the project or a plan to develop the parking garage as the first phase of the project. Green space and/or a civic plaza that includes a public art component must also be incorporated as an important aspect of the site design. The proposal submitted must also incorporate LEED standards to achieve certification.

The City will consider a creative mix of uses of an architectural design that should be compatible with the City's "Main Street Design Guidelines". The developer is encouraged to submit a mix of uses which may include but not be limited to:

- Ground floor retail
- Medium density residential units

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- Boutique hotel
- Parking garage to accommodate 300 public spaces and needs of development
- Unique addition that would enhance the Wilton Drive Arts and Entertainment District.

It is intended that there will be no financial outlay from the City for the completion of the parking garage or any other part of the proposal. Development incentives may be considered.

Conceptual plans with potential cost/benefits must be submitted to the City Clerk no later than 2:00 pm on Thursday, December 13, 2012. For further information or questions regarding this potential redevelopment, contact Randy Welker, Community Development Services Economic Development Coordinator at 954-390-2187.

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#### **INSTRUCTIONS**

#### **PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION**

##### **A. PROPOSAL FORM DELIVERY REQUIREMENTS**

Proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the Proposer to have their proposal delivered to the City of Wilton Manors, City Clerk's office for receipt on or before the stated time and date.

If proposals are sent via U.S. Mail, the Proposer shall be responsible for its timely delivery to the City of Wilton Manors, City Clerk. Proposals delayed by the U.S. mail shall not be considered, and arrangements shall be made for their return at the Proposer's request and expense.

##### **B. CLARIFICATION & ADDENDA**

Each Proposer shall examine all RFP documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the RFP shall be made through the Community Development Services Director. The City shall not be responsible for oral interpretations given by any City employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given.

If any addenda are issued to this RFP, the City will attempt to notify all prospective Proposers who have secured same. However, it shall be the responsibility of each Proposer, prior to submitting their proposal, to contact the Community Services Director at [hshafran@wiltonmanors.com](mailto:hshafran@wiltonmanors.com), to determine if addenda were issued.

##### **C. SEALED & MARKED**

Twelve (12) signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside, "**PPP RFP**", and addressed to:

The City of Wilton Manors  
City Clerk  
2020 Wilton Drive  
Wilton Manors, FL 33305

##### **D. LEGAL NAME**

Proposals shall clearly indicate the legal name, address and telephone number of the Proposer (company, firm, partnership, or individual). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the Proposer to the submitted proposal. A Qualification Statement is attached hereto.

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#### **E. PROPOSAL EXPENSES**

All expenses for making proposals to the City are to be borne by the Proposer.

#### **F. DISCLOSURE**

Upon receipt, responses become "Public Records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes.

#### **G. RESERVED RIGHTS**

The City reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the City, depending on available competition and timely needs of the City. The City reserves the right to award the contract to a responsible Proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the City. The City shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Also, the City reserves the right to make such investigation or to request clarifications, as it deems necessary to determine the ability of any Proposer to perform the work or service requested. The Proposer shall provide information the City deems necessary to make this determination. Such information may include, but shall not be limited to current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

The City of Wilton Manors reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Wilton Manors and the firm selected.

#### **H. APPLICABLE LAWS**

The Proposer must be authorized to transact business in the State of Florida. The Proposer must be a licensed Real Estate Developer duly licensed under Florida Statutes. All applicable laws and regulations of the State of Florida and ordinances and regulations of the City of Wilton Manors will apply to any resulting agreement. Any involvement with the City of Wilton Manors concerning procurement shall be in accordance with the City of Wilton Manors Procurement Ordinance.

#### **I. CODE OF ETHICS**

With respect to this proposal, if any Proposer violates or is a party to a violation of the State of Florida per Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees or the Broward County Ethics Ordinance, such Proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for the City of Wilton Manors.

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#### **J. CONFLICT OF INTEREST**

The City of Wilton Manors requires your assistance in making elected officials aware of any potential conflicts on items that they may be voting on. Please ensure that your complete name or the name of your business is disclosed. In addition, please respond to the following questions:

Mayor Gary Resnick is employed by the law firm of Gray Robinson, P.A. Vice Mayor Tom Green is employed by Broward College. Commissioner Ted Galatis is a partner in the law firm of Andrews and Galatis. Julie Carson is employed by Gator Investments. Please state whether or not:

1. A vote by the Mayor or any member of the City Commission would inure to the special private gain or loss of the Mayor or any member of the City Commission or their respective employers;
2. A vote by the Mayor or any member of the City Commission would inure to the special private gain or loss to the parent organization or subsidiary of a corporate principal by which the Mayor or any member of the City Commission, or their employer is retained; or
3. The Mayor or any member of the City Commission's spouse or child is an officer, partner, director, or proprietor; or in which the Mayor or any member of the City Commission or their spouse or child, or any combination of them, has a material interest.

#### **K. COLLUSION**

By offering a submission to this RFP, the Proposer certifies that the Proposer has not divulged to, discussed, or compared his proposal with other Proposers and has not colluded with any other Proposer or parties to this proposal whatsoever. Also, the Proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

1. Any data submitted has been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such data, with any other Proposer or with any competitor;
2. No attempt has been made or will be made by the Proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;
3. The only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and



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4. No person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or established commercial agencies maintained by the Proposer for the purpose of doing business.

#### **L. SUBCONTRACTING / JOINT PROPOSALS**

If subcontracting or joint proposals are to be done, that fact, and the name of the proposed subcontracting firms, must be clearly identified in the proposal. Following the award of the public-private agreement contract, no additional subcontracting will be allowed without the express prior written consent of the City of Wilton Manors which consent may be withheld in the sole and absolute discretion of the City.

#### **M. PROPOSAL TERM**

The Proposal shall remain in effect for three (3) years, with the option to renew on a year-by-year basis, with the approval of the City and the vendor.

#### **N. LOBBYING**

Proposers, their agents, and associates shall not contact or solicit any City Commissioner, City employee, or official regarding this RFP during certain phases of this RFP per the City's "Cone of Silence" Ordinance No. 922 as amended. Failure to comply with this provision may result in disqualification of the Proposer, at the option of the City. Only that individual listed as the contact person in the specifications shall be contacted.

#### **O. PUBLIC ENTITY CRIMES**

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or vendor under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months from the date of being placed on the convicted vendor list. The Proposer further certifies that all members of the development team have not been included on any list of suspended or debarred vendors maintained by any federal, state, or local government agency within the 36 month period prior to the official submission deadline of this RFP. A Non-Debarment Affidavit is attached hereto.

#### **P. NON-DISCRIMINATION**

All Proposers must comply with the City's Non-Discrimination Policy as described in Section 2-289 of the City Code of Ordinances. A Non-Discrimination Affidavit is attached hereto.

#### **Q. AMERICANS WITH DISABILITIES ACT**

The City Commission of the City of Wilton Manors, Broward County, Florida, does not

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discriminate upon the basis of any individual's disability status. This nondiscrimination policy involves every aspect of the City's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty-four (24) hours in advance of the activity.

#### **R. INSURANCE REQUIREMENTS**

The successful vendor, prior to the signing of a contract and before starting any work on this project, must meet the following insurance requirements at the time of contract:

The vendor shall procure and maintain, and require each joint vendor and/or sub-vendor and/or subcontractor to procure and maintain, during the life of this project, the insurance coverage listed below. The policies of insurance shall be primary and written on forms acceptable to the City and placed with insurance carriers approved and licensed by the Insurance Department in the State of Florida and meet a minimum financial A.M. Best & Company rating of no less than Excellent: VII. The City of Wilton Manors shall be listed as an additional insured and copies of the current Certificate of Insurance must be submitted to the City on an annual basis.

##### **1. Worker's Compensation**

Provide Worker's Compensation Insurance on behalf of all employees who are to provide a service for this project, as required under Florida Laws Chapter 440 and Employers Liability of limits no less than:

\$500,000 each accident  
\$500,000 disease – policy limit  
\$100,000 – each employee

##### **2. Commercial General Liability**

This includes but is not limited to bodily injury, property damage and personal injury with limits of not less than:

\$1,000,000 combined single limit per occurrence  
\$3,000,000 per location aggregate covering all work performed for this project.

##### **3. Automobile Liability**

This is to include bodily injury, property damage liability for all vehicles owned, hired, leased and non-owned with limits of not less than \$1,000,000 combined single limit covering all work performed for this project.

##### **4. Umbrella Liability**

This is to include the Employers Liability, General Liability and Automobile Liability in underlying policy schedule, with limits of not less than \$2,000,000.

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#### **5. Professional Liability**

This is to include limits of not less than \$1,000,000 for professional services rendered in accordance with this project. The vendor shall maintain such insurance for at least two (2) years from the termination of this project.

#### **S. INDEMNIFICATION**

The Vendor shall pay on behalf of or indemnify and hold harmless the City, its employees, officers, agents and volunteers from and against any and all claims, actions, damages, fees, fines, penalties, defense costs (including attorneys fees and court costs, whether such fees and costs are incurred in negotiations, collection of attorneys' fees or at the trial level or on appeal), suits or liabilities which may arise out of any actual or alleged negligent act, error, omission, or default of the Vendor (or Vendor's officers, employees, agents, volunteers and subcontractors, if any) performance or failure to perform under the terms of this contract. This indemnification and hold harmless agreement shall survive the termination or expiration of this agreement.

#### **T. PROPOSAL REQUIREMENTS**

The overall content of the proposal is primarily at the discretion of the applicant and whatever is deemed necessary to communicate the plans and its financial benefits to the city. However, the following items are required as a minimum to help the city evaluate the proposal.

1. Cover Letter – showing the RFP subject, the legal name, address and telephone number of the Proposer. The letter should outline all partnerships, subcontractors etc. that would be part of the development team along with the name and position of the person who will be the primary contact throughout the project. The cover letter should be signed by the person who has the authority to bind the proposing firm to the submitted proposal.
2. Conceptual Site Plan – showing the applicants initial thoughts regarding spatial development of the site, proposed uses, approximate square footage of each use, approximate number of residential units (if proposed), approximate number of parking spaces, and open/civic areas.
3. Architectural Elevations – are not required of each proposed building, however a typical architectural style showing compatibility with the city's "Main Street" design guidelines must be included.
4. Project Justification – explaining any market research or current experience that would support the type of uses being proposed.
5. A Preliminary Cost Analysis – should be provided showing the overall construction costs and potential revenue to the city from direct lease payments and potential increased tax revenues.

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6. Qualification Statements – for the development team showing past experience in similar development projects and assurance that there is sufficient financial resources to complete the project in a timely manner.
7. Non-Collusive Affidavit (attached).
8. Non-Debarment Affidavit (attached).
9. Non-Discrimination Affidavit (attached).
10. Drug Free Workplace Certification (attached).
11. Any further information that will assist the city in reviewing the proposal.

#### **U. EVALUATION PROCEDURES**

All submitted proposals will be reviewed by the City's Project Selection Committee that will consist of the City Manager, or his designee, the Director of Community Development Services, the Director of Leisure Services, the Utilities Director, the Police Chief, the Finance Director, and two subject matter experts. The Committee will advise the City Commission of all responsible proposals and arrange for public presentations at which time the City Commission will select an applicant to negotiate a detailed agreement for development. The City Commission has the right to reject all proposals as being not in the best interest of the City.

The criteria used to evaluate the submitted proposals may include the following:

- Overall design of proposed project
- Lease terms and proposal
- Proposed uses of the space
- Public Use component
- Market Justification
- Ability to complete project
- Past performance completing similar projects
- Ability to finance project
- Creative use of space
- Plan to provide public participation

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#### NON-COLLUSIVE AFFIDAVIT

State of \_\_\_\_\_)

County of \_\_\_\_\_)

\_\_\_\_\_ being first duly sworn deposes and says that:

- (1) He/she is the \_\_\_\_\_, (Owner, Partner, Officer, Representative or Agent) of \_\_\_\_\_ the Proposer that has submitted the attached Proposal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- (3) Such Proposal is genuine and is not a collusive or sham Proposal;
- (4) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such Work; or have in any manner, directly or indirectly, sought by agreement or collusion, or communication, or conference with any Proposer, firm, or person to fix the price or prices in the attached proposal or of any other Proposer, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Work;
- (5) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

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Signed, sealed and delivered  
in the presence of:

By:

\_\_\_\_\_  
(Printed Name)

\_\_\_\_\_  
(Title)

STATE OF FLORIDA

COUNTY OF

SWORN TO and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_ Personally known, or  
\_\_\_\_ Produced Identification

\_\_\_\_\_  
Type of ID Produced

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#### **PROPOSER'S QUALIFICATION STATEMENT**

The undersigned certifies under oath the truth and correctness of all statements and of all answers to questions made hereinafter:

SUBMITTED TO: City of Wilton Manors (City Clerk)

ADDRESS: 2020 Wilton Drive  
Wilton Manors, Florida 33305

#### **CIRCLE ONE**

SUBMITTED BY:	Corporation
NAME:	Partnership
ADDRESS:	Individual
PRINCIPAL OFFICE:	Other

1. State the true, exact, correct and complete name of the partnership, corporation, trade or fictitious name under which you do business and the address of the place of business.

The correct name of the Proposer is:

The address of the principal place of business is: \_\_\_\_\_

2. If Proposer is a corporation, answer the following:

- a. Date of Incorporation:
- b. State of Incorporation:
- c. President's name:
- d. Vice President's name:
- e. Secretary's name:
- f. Treasurer's name:
- g. Name and address of Resident Agent:

3. If Proposer is an individual or a partnership, answer the following:

- a. Date of organization:

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- b. Name, address and ownership units of all partners:
  - c. State whether general or limited partnership:
- 4. If Proposer is other than an individual, corporation or partnership, describe the organization and give the name and address of principals:  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_
- 5. If Proposer is operating under a fictitious name, submit evidence of compliance with the Florida Fictitious Name Statute.
- 6. How many years has your organization been in business under its present business name?
  - a. Under what other former names has your organization operated?
- 7. Indicate registration, license numbers or certificate numbers for the businesses or professions which are the subject of this Bid. Please attach certificate of competency and/or state registration.
- 8. Have you ever failed to complete any work awarded to you? If so, state when, where and why?



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9. State the names, telephone numbers and last known addresses of three (3) owners, individuals or representatives of owners with the most knowledge of work which you have performed or goods you have provided, and to which you refer (government owners are preferred as references).

(name)                      (address)                      (phone number)

(name)                      (address)                      (phone number)

(name)                      (address)                      (phone number)

10. List the pertinent experience of the key individuals of your organization (continue on insert sheet, if necessary).
11. State the name of the individual who will have personal supervision of the work:

**THE PROPOSER ACKNOWLEDGES AND UNDERSTANDS THAT THE INFORMATION CONTAINED IN RESPONSE TO THIS QUALIFICATIONS STATEMENT SHALL BE RELIED UPON BY CITY IN AWARDING THE CONTRACT AND SUCH INFORMATION IS WARRANTED BY PROPOSER TO BE TRUE. THE DISCOVERY OF ANY OMISSION OR MISSTATEMENT THAT MATERIALLY AFFECTS THE PROPOSER'S QUALIFICATIONS TO PERFORM UNDER THE CONTRACT SHALL CAUSE THE CITY TO REJECT THE PROPOSAL, AND IF AFTER THE AWARD TO CANCEL AND TERMINATE THE AWARD AND/OR CONTRACT.**

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(Signature)

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#### **NON-DEBARMENT AFFIDAVIT**

\_\_\_\_\_ Being first duly sworn, deposes and says that:

He/She is \_\_\_\_\_ of \_\_\_\_\_ the Proposer ("Proposer") that has submitted the attached Proposal. By offering a submission to this Request for Proposal, the Proposer certifies and affirms that to the best of his/her knowledge and belief, that:

1. The Proposer is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in any transaction of any Federal, state or local agency; and
2. The Proposer has not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records; making false statements; or receiving stolen property; and
3. The Proposer is not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2 of this affidavit; and
4. The Proposer has not within a three-year period preceding this proposal had one or more public transactions (Federal, State or local) terminated for cause or default; and
5. The Proposer will submit a revised Debarment Affidavit immediately if the status changes.

If the Proposer cannot certify that he/she is not debarred, he/she shall provide an explanation with this submittal. An explanation will not necessarily result in denial of participation in a contract. Failure to submit a debarment affidavit will disqualify the contractor from the award of any contract.

*(This space intentionally left blank)*

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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\_\_\_\_\_ Check here if an explanation is attached to this affidavit.

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by

\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_ Personally known, or  
\_\_\_\_\_ Produced Identification

\_\_\_\_\_  
Type of ID Produced

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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#### NON-DISCRIMINATION AFFIDAVIT

I, the undersigned, hereby duly sworn, depose and say that the organization or business entity represented herein shall not discriminate against any person in its operations, activities or delivery of services under any agreement it enters into with the City of Wilton Manors. The same shall affirmatively comply with all applicable provisions of federal, state and local equal employment laws and shall not engage in or commit any discriminatory practice against any person based on race, age, religion, color, gender, sexual orientation, national origin, marital status, physical or mental disability, political affiliation or any other factor which cannot be lawfully used as a basis for service delivery.

It is the policy of the City of Wilton Manors that Minority/Women - Owned Business Enterprises (MWBE) shall have the maximum opportunity to participate in all contracts. The City of Wilton Manors will accept MWBE certifications from Broward County and any State of Florida certification.

Further, City Code Section 2-269 requires that all contracting agencies of the City, or any department thereof, acting for or on behalf of the City, shall include in all contracts and property contracts hereinafter executed or amended in any manner or as to any portion thereof, a provision obligating the contractor not to unlawfully discriminate (as proscribed by federal, state, county, or other local law) on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age above the age of 21, sexual orientation, gender identity or expression, marital status, pregnancy, familial status, veterans status, political affiliation, or physical or mental disability and such person's association with members of classes protected under this chapter or in retaliation for or opposition to any practices forbidden under this chapter against any employee of, any City employee working with, or applicant for employment with such contractor and shall require such contractor to include a similar provision in all subcontracts executed or amended there under.

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_, 2012, by  
\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_ Personally known, or  
\_\_\_\_ Produced Identification

\_\_\_\_\_  
Type of ID Produced

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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#### **DRUG FREE WORKPLACE CERTIFICATION BY PROPOSER**

The undersigned Proposer hereby certifies that it will provide a drug-free workplace program by:

- (1) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the proposer's workplace, and specifying the actions that will be taken against employees for violations of such prohibition;
- (2) Establishing a continuing drug-free awareness program to inform its employees about:
  - (i) The dangers of drug abuse in the workplace;
  - (ii) The proposer's policy of maintaining a drug-free workplace;
  - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (3) Giving all employees engaged in performance of the contract a copy of the statement required by subparagraph (1);
- (4) Notifying all employees, in writing, of the statement required by subparagraph (1), that as a condition of employment on a covered contract, the employee shall:
  - (i) Abide by the terms of the statement; and
  - (ii) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction;
- (5) Notifying the City of Wilton Manors, Florida in writing within 10 calendar days after receiving notice under subdivision (4) (ii) above, from an employee or otherwise receiving actual notice of such conviction. The notice shall include name and the position title of the employee;
- (6) Within 30 calendar days after receiving notice under subparagraph (4) of a conviction, taking one or more of the following actions with respect to an employee who is convicted of a drug abuse violation occurring in the workplace:
  - (i) Taking appropriate personnel action against such employee, up to and including termination; and/or
  - (ii) Requiring such employee to satisfactorily participate in and complete a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency; and
- (7) Making a good faith effort to maintain a drug-free workplace program through implementation of subparagraphs (1) through (6).

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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\_\_\_\_\_  
(Proposer's Signature)

\_\_\_\_\_  
(Company Name)

\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Address)

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2012,  
by *(individual name)*\_\_\_\_\_, in their capacity as *(title)*\_\_\_\_\_ of *(company name)*\_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Personally known, or  
\_\_\_\_\_  
Produced Identification

\_\_\_\_\_  
Type of ID Produced

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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## **Cone of Silence**

Code Section 2-268(s) -- Procurement Procedures

*Cone of silence.*

(1) A cone of silence shall be in effect for an invitation to bid, a request for letters of interest, a request for proposals, a request for letters of qualifications or other competitive selection beginning upon the first meeting of the selection committee or at the time of the opening of submissions in response to invitations for bids. For amendments to contracts, a cone of silence shall begin when direction is given by the commission or other authorized person to establish or convene a committee, or when an individual is designated by the commission or other authorized person to negotiate an amendment to a contract. Notice shall be given as required by subsection (s)(2) herein.

Potential vendors and their representatives are substantially restricted from communicating with any city commissioner, the city manager, deputy and assistants to the city manager and their respective support staff, or any person appointed by the city commission or city manager to evaluate or recommend selection in this process.

(2) At the time of imposition of the cone of silence, the city manager or the manager's designee shall provide public notice of the cone of silence. The city manager shall include in any advertisement and public solicitation for goods and services a statement disclosing the requirements of this section.

(3) Notwithstanding the foregoing, the cone of silence shall not apply to communications with the city attorney and his or her staff, or with designated city staff who are not serving on the particular selection committee, to obtain clarification or information concerning the subject solicitation, or with any designee of the city authorized or directed to negotiate a contract or any amendment to a contract. Further, nothing herein shall prohibit a city commissioner from communicating with another city employee, and other city employees from communicating with each other. For purposes of this section, "vendor's representative" means an employee, partner, officer, or director of a potential vendor, or consultant, lobbyist, or actual or potential subcontractor or subconsultant of a vendor.

(4) The cone of silence shall terminate at the time the commission or other authorized person makes final award or gives final approval of a contract or contract amendment; rejects all bids or responses to the competitive solicitation; or takes other action which ends the competitive selection process.

(5) Nothing contained herein shall prohibit any potential vendor or vendor's representative:

- a. From making public presentations at duly noticed pre-bid conferences or before duly noticed selection committee meetings;
- b. From engaging in contract negotiations during any duly noticed public meeting;
- c. From making a public presentation to the city commission during any duly noticed public meeting; or

## City of Wilton Manors

### REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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#### Cone of Silence, continued

d. From communicating in writing with any city employee or official for purposes of seeking clarification or additional information, subject to the provisions of the applicable bid documents.

The potential vendor or vendor's representative shall file a copy of any written communication with the city manager who shall make copies available to the public upon request.

(6) For purposes of this section and when not otherwise precluded by the operation of this section from doing so, the director of purchasing or designee shall accept communications from potential vendors or vendor's representatives when a cone of silence has been applied. Such contact shall be in writing and shall be provided to the members of the applicable selection committee, including any response thereto and attached to the board agenda item for the award under the applicable competitive solicitation.

(7) The city attorney or city manager, or a designee of the city attorney or city manager, shall be informed of any person who is alleged to have violated the requirements of this section. In each such instance, an investigation shall be performed and the results of each investigation including a determination of violation, if any, shall be compiled in a report.

(8) A copy of the report, including a determination of violation, if any, and notice of the imposition of a fine as provided for in this section, if any, shall be immediately furnished or mailed to the person who has been investigated.

(9) A determination of violation shall render any award to said potential vendor voidable, at the sole discretion of the city commission.



# City of Wilton Manors

## SKETCH AND DESCRIPTION

### DESCRIPTION:

A PORTION OF AMENDED PLAT OF TROPICAL GARDENS, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 34, PAGE 41 OF THE PUBLIC RECORDS OF BROWARD COUNTY, FLORIDA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF BLOCK 4 OF THE AMENDED PLAT OF TROPICAL GARDENS; THENCE NORTH 90°00'00" WEST (BEARING BASE ASSUMED ALONG THE SOUTH LINE OF SAID BLOCK 4), 121.18 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 90°00'00" WEST, 200.45 FEET; THENCE NORTH 25°42'47" EAST, 149.47 FEET; THENCE NORTH 61°50'43" (ALONG A RADIAL BEARING), 200.00 FEET TO A POINT OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 2232.49 FEET, A CENTRAL ANGLE OF 16°08'30", AN ARC DISTANCE OF 828.94 FEET TO A POINT OF COMPOUND CURVATURE OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 92°41'02", AN ARC DISTANCE OF 40.44 FEET TO A POINT OF TANGENCY; THENCE SOUTH 44°00'58" EAST, 355.15 FEET; THENCE SOUTH 34°23'32" WEST, 588.86 FEET TO THE POINT OF BEGINNING.

### SKETCH AND DESCRIPTION

ENCOMPASSES:  
524 NE 21ST COURT  
2020 WILTON DRIVE  
2128 WILTON DRIVE  
AND A PORTION OF RIGHT OF  
WAY PER BROWARD COUNTY  
PROPERTY APPRAISER

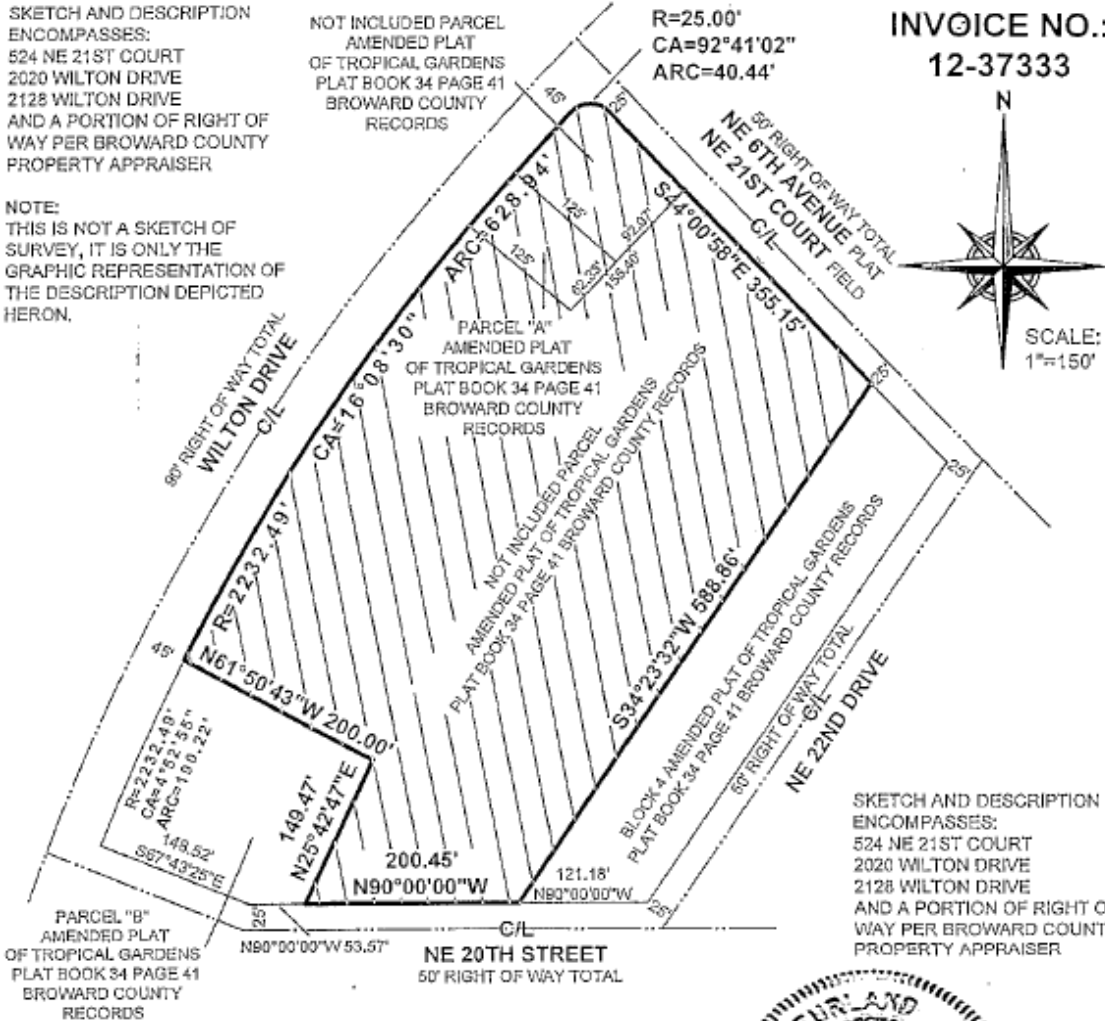
### NOTE:

THIS IS NOT A SKETCH OF  
SURVEY, IT IS ONLY THE  
GRAPHIC REPRESENTATION OF  
THE DESCRIPTION DEPICTED  
HERON.

NOT INCLUDED PARCEL  
AMENDED PLAT  
OF TROPICAL GARDENS  
PLAT BOOK 34 PAGE 41  
BROWARD COUNTY  
RECORDS

R=25.00'  
CA=92°41'02"  
ARC=40.44'

INVOICE NO.:  
12-37333



SKETCH AND DESCRIPTION  
ENCOMPASSES:  
524 NE 21ST COURT  
2020 WILTON DRIVE  
2128 WILTON DRIVE  
AND A PORTION OF RIGHT OF  
WAY PER BROWARD COUNTY  
PROPERTY APPRAISER

## ALL COUNTY SURVEYORS

PROFESSIONAL  
SURVEYORS AND MAPPERS  
LICENSE NO. 6877  
OFFICE: (954) 777-4747  
FAX: (954) 777-2707  
5400 SOUTH UNIVERSITY DRIVE  
SUITE NO.: 216  
DAVIE, FLORIDA 33328



I HEREBY CERTIFY THAT THIS SKETCH AND DESCRIPTION MEETS  
THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS, AS SET FORTH  
BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS IN CHAPTER  
6J-12 OF THE FLORIDA ADMINISTRATIVE CODE, PURSUANT TO  
SECTION 422.227, FLORIDA STATUTES.

GINO FURLANO, PROFESSIONAL SURVEYOR & MAPPER  
FLORIDA REGISTRATION NO. 6344  
(NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED  
SEAL OF THE FLORIDA LICENSED SURVEYOR AND MAPPER  
SHOWN ABOVE)

# City of Wilton Manors

## REQUEST FOR PROPOSAL (RFP) – Public-Private Partnership Redevelopment

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### City of Wilton Manors Public Private RFP Site For Discussion Purposes Only

