

**REQUEST FOR QUALIFICATIONS
FOR LEGAL SERVICES**



Solicitation No. RFQ 10-27-21-2

Issue Date: March 3, 2021

Due Date: May 3, 2021 by 3:00 p.m. (EST)

Riviera Beach Community Redevelopment Agency

Board of Commissioners

Julia E. Botel, Ed. D., Chair

Douglas Lawson, Chair Pro Tem

Shirley Lanier, Commissioner

Tradrick McCoy, Commissioner

KaShamba Miller-Anderson, Commissioner

Jonathan E. Evans, Executive Director

PUBLIC NOTICE

**LEGAL SERVICES
FOR
RIVIERA BEACH
COMMUNITY REDEVELOPMENT AGENCY**



RFQ No. 1027-21-2

The Riviera Beach Community Redevelopment Agency (the “RBCRA”) seeks a qualified attorney or law firm interested in providing legal services to the RBCRA, as its General Counsel. The General Counsel will provide legal advice on a variety of legal matters, including but not limited to, legal advice during meetings of the RBCRA Board of Commissioners, its committees or task forces, contract negotiations, drafting and reviewing development agreements, managing real estate transactions, etc.

Completed Responses must be delivered to the RBCRA, 2001 Broadway, Suite 300, Riviera Beach, Florida 33404, **no later than May 3, 2021 by 3:00 p.m.** Any Responses received after the above date and time or delivered to a different address or location will not be considered. Any uncertainty regarding the time a proposal is received will be resolved against the proposer.

This RFQ document will be available for download on March 3, 2021 and may be obtained by visiting the RBCRA’s website at <https://www.rbcra.com/riviera-beach-cra-rfq-rfp-rloi/>, or the City of Riviera Beach’s Procurement website at www.rivierabch.com.

The RBCRA reserves the right to reject any or all proposals and to waive technicalities, if such measures are deemed appropriate and in the best interest of the RBCRA.

SECTION 1 - INTRODUCTION

The Board of Commissioners of the Riviera Beach Community Redevelopment Agency (CRA Board) invites interested law firms and/or attorneys to submit Statements of Qualifications (SOQ) to provide general legal services to the RBCRA. The CRA Board will award one contract to a single firm or a single attorney to represent the RBCRA as its General Counsel.

SECTION 2 – SCOPE OF SERVICES

The CRA Board is seeking an attorney or law firm who will be responsible for the following duties including, but not limited to:

- a. Providing legal advice and counsel to the CRA Board, the RBCRA and all of its officers in matters relating to their official duties.
- b. Attending all meetings of the CRA Board.
- c. Advising, researching, assisting and rendering written opinions to the RBCRA on a wide variety of legal areas including but not limited to: redevelopment law, general municipal law, special district law, general state and federal laws, real estate law, Sunshine Law, public records law, and contract law relating to redevelopment, special districts, intergovernmental and rules and regulations.
- d. Conducting research and analysis of specific legal questions, prepares memoranda, opinions and position papers upon requests.
- e. Advising, researching, and assisting the RBCRA on a wide variety of legal areas including, but not limited to: grants, budgets, bonds, acquisition and disposition of land, tax increment collection, appropriateness of expenditures, public disclosure issues, land leases, purchasing and procurement, and laws and legal opinions related to the undertaking and administration of redevelopment in the State of Florida.
- f. Preparing, reviewing, or advising on all contracts, bonds, and all other legal and official instruments in which the RBCRA is concerned and shall endorse of each his approval of the form and correctness.
- g. Assisting the RBCRA in preparation, drafting, revisions of resolutions, contracts and amendments to contracts, leases, policy and procedural manuals, and other legal documents at the request of the CRA Board or Executive Director.

SECTION 3 – CONTENTS AND FORMAT OF SUBMITTAL

Responses are to be prepared and submitted in the following format. All submittals must be on 8 1/2" x 11" paper, neatly typed on one side only, with normal margins, and spacing.

3.1 Contents of Submittal

1. Cover Page

Show the attorney and/or firm name, address, telephone number, name of contact person, date and RFQ number.

2. Letter of Transmittal

Provide general background information about the attorney or about the law firm and attorneys, with focus on the area(s) of activity in which representation is sought, and as to the size and experience of the firm in these specified areas.

3. Qualifications

Must be licenses with the State of Florida and be in good standing the Florida Bar Association.

At least ten (10) years' experience practicing law in the State of Florida, including at least five (5) years' experience with representing one or more community redevelopment agencies and/or municipalities in Florida is preferred.

4. Fee Structure

Provide all fees and costs to be charged including hourly rates of any individual(s) that will be involved with advising the RBCRA and the rate at which their time will be billed to the RBCRA. The hourly rate quoted should include all salary and compensation, and all overhead expenses, profits and other employee costs, including but not limited to clerical and administrative processing expenses.

5. References

Provide the names and contact information of at least three (3) representative clients, preferably public entity clients, for which the Primary Attorney or firm currently or has previously served as similar counsel.

6. Required Disclosures

The following questions must be answered as part of your proposal with respect the attorney, or to any firm, and its primary attorney for this matter.

- A. Do you have any potential conflicts of interest or any arrangement or relationships, formal or informal, which may be interfere with your ability to provide independent, unbiased advice to the RBCRA?
- B. Are there any investigations, lawsuits, or administrative proceedings involving you that the RBCRA should be aware of in considering your capacity to represent the RBCRA?

3.2 Submission Process

Proposer shall submit one (1) printed original, five (5) printed copies, and one (1) copy submitted electronically on a USB drive storage device, CD or DVD. Said proposal must be submitted in a labeled and sealed envelope and delivered to the following address:

Riviera Beach Community Redevelopment Agency
2001 Broadway, Suite #300
Riviera Beach, FL 33404
Attn: Sherley Desir
RFQ No. 1027-21-2 - Legal Services for the RBCRA

Responses must be **clearly marked on the outside of the package referencing:**

Responses are due no later than **May 3, 2021 by 3:00p.m.** Responses received after the date and time stated in the RFQ will not be accepted and shall be returned unopened to the Proposer.

SECTION 4: EVALUATION/SELECTION PROCESS

4.1 Evaluation/Selection

The RBCRA will develop a list of attorneys and/or firms based upon the responses to this RFQ. Responses will be reviewed and evaluated by the RBCRA staff. Price will not be the controlling factor in selecting firms for the list, but price will be a factor in making work assignments. An attorney and/or firm is not entitled to be placed on the list or entitled to work solely on the basis of submission of a low price quotation. The RBCRA will evaluate the responses based on the legal needs of the RBCRA at any given time.

The RBCRA may require a firm/attorney to provide additional written or oral information to clarify responses. Additionally, the RBCRA or the CRA Board may require proposers to interview or make oral presentations.

Upon selection of a firm by the CRA Board, the CRA Board or their designee, may enter into negotiations with the top ranked proposer. At the conclusion of the negotiations with the individual or firm, an agreement will be submitted to the CRA Board for approval.

The RBCRA reserves the right to accept or reject any or all submissions, requests for resubmissions and to enter into negotiations with Respondents as warranted. The RBCRA reserves the right to award a contract to the individual or firm whose submissions are most advantageous to and in the best interest of the RBCRA, with or without discussion or negotiation. The RBCRA shall be the sole judge of which submission is in its best interest.

The RBCRA shall further reserve the right to waive and determine the nature of any minor irregularities. A minor irregularity is a variation from the solicitation, terms and conditions, which do not constitute a failure to substantially comply with requirements, set forth in this request. A Respondent may not modify its statement after submission.

SECTION 5: EVALUATION CRITERIA

The following elements represent the evaluation criteria that will be considered during the evaluation process:

<u>EVALUATION CRITERIA</u>	<u>MAXIMUM POINTS</u>
A. Responsiveness to the RFP.	
1. Requested information is provided and the response is thorough	10
B. Qualifications	15
C. Firm's or attorney's ability to provide the services; expertise; past performance.	40
1. Background and experience in providing work identified in the Scope of Work	
2. Past/Prior Performance performing work described in the Scope of Work	
3. Capacity to meet CRA's needs in a timely manner	

D. Price/Fee Structure

20

E. References

15

Total 100

SECTION 6: GENERAL PROVISIONS

6.1 Proposer’s Responsibility

Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as necessary, to ascertain all conditions and requirements affecting the full performance of the contract.

6.2 Costs Incurred by Proposers

All expenses involved with the preparation and submission of Proposals, or any work performed in connection therewith, shall be the sole responsibility (and shall be at the sole cost and expense) of the Proposer, and shall not be reimbursed by the RBCRA.

6.3 Relationship to City

It is the intent of the RBCRA, and Proposers hereby acknowledge and agree, that the successful Proposer is an independent contractor, and that neither the Proposer, not the Proposer’s employees, agents, partners, joint venturers, and/or contractors, shall not under any circumstances, be considered employees or agents of the RBCRA. Proposers must disclose any professional financial, and familial relationships with any persons employed directly or contractually by the RBCRA.

6.4 Public Entity Crimes

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 goods or services to a public entity; submit a proposal on a contract with a public entity for the construction or repair of a public building or public work;
- Submit proposals on leases of real property to a public entity;
- Be awarded or perform work as a contractor, supplier, subcontractor or consultant under a contract with any public entity; and
- Transact business with any public entity in excess of the threshold amount provided in Section 287.017, FS, for Category Two (currently \$35,000) for a period of 36 months from the date of being placed on the convicted vendor list.

6.5 Public Records

In accordance with Chapter 119, Florida Statutes, and, except as may be provided by Chapter 119, Florida Statutes, and other applicable State and Federal Laws, all Proposers should be aware that the RFP and the responses thereto are in the public domain and are available for public inspection and copying. If the Proposer is asserting that certain information in its Proposal is confidential

and/or proprietary and/or exempt from public disclosure, then the Proposer is required to do the following:

- (1) Identify, with specificity, the information which the Proposer asserts is confidential and/or proprietary and/or exempt from public disclosure;
- (2) Place such information (including any applicable electronic media on which such information is contained in a sealed envelope that is separate from the Proposer's other Proposal documents;
- (3) Clearly label the envelope that contains the confidential, proprietary and/or exempt information as follows" 'EXEMPT FROM PUBLIC DISCLOSURE" with Proposer's name and the RFP number marked on the outside; and,
- (4) Specifically cite the applicable Florida Statute(s) that exempts such information from public disclosure – such citation must be placed on the sealed envelope and also on a separate document contained within the sealed envelope along with any relevant explanations.

The envelope that contains the Proposer's confidential/proprietary/exempt information must be submitted with the Proposer's other Proposal documents. Proposer is advised that failure to follow the aforementioned instructions may result in Proposer's alleged confidential/proprietary/exempt information being disclosed to the public. All submittals received in response to this RFP will become the property of the RBCRA and will not be returned. In the event of an award, all documentation produced as part of the contract will become the exclusive property of the RBCRA.

Be aware that the designation of an item as exempt from public disclosure by a Proposer may be challenged in court by any person or entity. By designation of material in your proposal as exempt from public disclosure, Proposer agrees to defend the RBCRA (and its employees, agents and elected and appointed officials) against all claims and actions (whether or not a lawsuit is commenced) related to Proposer's designation of materials as exempt from public disclosure and to hold harmless the RBCRA (and its employees, agents and elected and appointed officials) for any award to a plaintiff for damages, costs and attorneys' fees, and costs and attorneys' fees incurred by the RBCRA by reason of any claim or action related to your designation of material as exempt from public disclosure.

6.6 Rights to Investigate and Audit - Office of the Inspector General

The Inspector General of Palm Beach County has the authority to investigate and audit matters relating to the negotiation and performance of any awarded contract and in furtherance thereof may demand and obtain records and testimony from the contractor and its subcontractors and lower tier subcontractors. The Proposer understands and agrees that in addition to all other remedies and consequences provided by law, the failure of the proposer or its subcontractors or lower tier subcontractors to fully cooperate with the Inspector General when requested may be deemed by the municipality to be a material breach of any contract entered into with the bidder as justification for termination.

6.7 Proprietary and/or Confidential Information

Proposers are hereby notified that all information submitted as part of, or in support of bid submittals will be available for public inspection after the opening of bids in compliance with Chapter 119 of the Florida Statutes, popularly known as the "Public Record Law." The Proposer shall not submit any information in response to this solicitation which the Proposer considers to be a trade secret, proprietary, or confidential. The submission of any information to the RBCRA

in connection with this solicitation shall be deemed conclusively to be a waiver of any trade secret or other protection which would otherwise be available to the Proposer. In the event that the Proposer submits information to the RBCRA in violation of this restriction, either inadvertently or intentionally, and clearly identifies that information in the Bid as protected or confidential, the RBCRA may, in its sole discretion, either (a) communicate with the Proposer in writing in an effort to obtain the Proposer's withdrawal of the confidentiality restriction, or (b) endeavor to redact and return that information to the Proposer as quickly as possible, and if appropriate, evaluate the balance of the proposal. The redaction or return of information pursuant to this clause may render a proposal non-responsive.

6.8 Non-Collusion Statement

By signing its Bid, the bidder certifies that its Bid is made independently and free from collusion. Bidder shall disclose below, to their best knowledge, any City of Riviera Beach or RBCRA officer or employee, or any relative of any such officer or employee as defined in Section 112.3135(1)(c), Florida Statutes, who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement. Any City of Riviera Beach or RBCRA officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement. For purposes hereof, a person has a material interest if he/she directly or indirectly owns more than five percent (5%) of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this proposer.

Failure of a bidder to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.

Proposer, if doing business under an assumed name, i.e., an Individual, Association, Partnership, Corporation, or otherwise, shall be registered with the Florida Department of State, Division of Corporations.

6.9 Insurance Information

The successful firm or individual entering a resulting contract with the RBCRA shall provide, pay for and maintain in full force and affect at all times during the services to be performed insurance as set forth below:

<u>Type of Coverage</u>	<u>Amount of Coverage</u>
Professional Liability Insurance	No less than \$1,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the firm/attorney maintains broader coverage or higher limits than the minimums shown above, the RBCRA requires and shall be entitled to the broader coverage and/or the highest limits maintained by the firm/attorney.

The successful proposer must maintain in full force and effect, during the life of this engagement. Certificates of liability insurance, satisfactory to the RBCRA, shall be furnished to the RBCRA immediately upon commencement of any services, with complete copies of policies to be furnished upon the RBCRA's request. Such certificates of insurance will provide the RBCRA with thirty (30) days prior written notice of any cancellation or non-renewal.

The policies shall name the RBCRA as an additional insured, and proof of such coverage shall be furnished to the RBCRA by way of an endorsement to same or a certificate of insurance no later than ten (10) days prior to the provision of services under the awarded contract and upon renewal of each policy each year the awarded contract remains in effect and for a period of one (1) year after the termination of the contract.

All such insurance must be with an insurance carrier approved and authorized to do business in the state of Florida, and who must have a rating of no less than A VII by A.M. BEST RATING, or as mutually agreed upon by the RBCRA and the successful Respondent. All such insurance policies may not be modified or terminated without the express written authorization of the RBCRA. The insurance requirements set forth herein may be modified by the RBCRA in its sole discretion in competitive negotiations.

Misrepresentation of any material fact, whether intentional or not, regarding the Proposers insurance coverage, policies or capabilities may be grounds for rejection of the proposal and rescission of any resulting. **Evidence of ability to obtain appropriate insurance coverage shall be provided in each bid. All policies shall be endorsed to provide sixty (60) days prior written notice of cancellation, non-renewal or reduction in coverage or limits to:**

**City of Riviera Beach
Attn: Risk Manager
1481 West 15th Street
Riviera Beach, FL 33404
Email: risk@rivierabeach.org**

SECTION 7: ADDENDUM

7.1 ADDENDUM TO RFP

No negotiations, decisions, or actions in connection with this solicitation request shall be initiated or relied upon by a Proposer as a result of any oral discussions with a RBCRA employee, agent, officer, or consultant. Only those communications regarding this RFP which are in writing from the RBCRA will be considered as a duly authorized expression on behalf of the RBCRA. Written responses of the RBCRA to a Proposer's questions will be forwarded by the RBCRA to all Proposers.

Only written communications from Proposers which are signed by persons who are authorized to contractually bind the Proposers will be recognized by the RBCRA as duly authorized expressions on behalf of the Proposers. Any questions arising from this RFP must be submitted via email to the contact email address of Althea Pemsel, Director of Procurement apemsel@rivierabeach.org. In order for technical questions to be answered in a timely manner, they must be received no later than March 24, 2021, by 5:00pm, Eastern Standard Time.

SECTION 8: SUBMITTAL FORMS

In addition to the proposal, the forms listed below are to be completed and submitted with your proposal.

- 1) Rate Sheet
- 2) Addendum Page
- 3) Public Entity Crimes Statement
- 4) Drug Free Workplace

NOTE: Please ensure that all of these documents are completed and submitted with your bid in accordance. Failure to do so may result in your bid not being considered for award.

SIGNATURE of AUTHORIZED REPRESENTATIVE

This signature page must be completed and included with the submittal.

By signing below, the undersigned acknowledges they are an expressly authorized agent of the Company/firm listed below.

Date: _____

Full Legal Name of Company: _____

Signature: _____

Printed Name: _____

Title: _____

ATTACHMENT A

STANDARD FORMS

ADDENDUM PAGE

The undersigned acknowledges receipt of the following addenda to the Request to Qualify (indicate number and date of each):

Addendum No. _____ Dated _____

COMPANY

SIGNATURE

TITLE

NOTE: PLEASE ENSURE THAT ALL OF THESE DOCUMENTS ARE COMPLETED AND SUBMITTED WITH YOUR QUALIFICATIONS IN ACCORDANCE WITH THE INSTRUCTION SHEET ON THE PRECEDING PAGE. FAILURE TO DO SO MAY RESULT IN YOU NOT BEING CONSIDERED FOR AWARD.

IT IS THE PROPOSER'S RESPONSIBILITY TO CONTACT THE PROCUREMENT DEPARTMENT PRIOR TO SUBMITTING YOUR QUALIFICATION TO ASCERTAIN IF ANY ADDENDA HAVE BEEN ISSUED, TO OBTAIN ANY AND ALL SUCH ADDENDA AND RETURN EXECUTED ADDENDA WITH YOUR QUALIFICATIONS.

CITY OF RIVIERA BEACH NOTIFICATION OF PUBLIC ENTITY CRIMES LAW

Pursuant to Section 287.133, Florida Statutes (1995), you are hereby notified that 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 bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 [F.S.] for CATEGORY TWO [\$35,000.00] for a period of 36 months from the date of being placed on the convicted vendor list.

Acknowledged by:

Firm Name

Signature

Name & Title (Print or Type)

DRUG FREE WORKPLACE

Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this form complies fully with the above requirements.

THIS CERTIFICATION is submitted by _____ the (INDIVIDUAL'S NAME)
of

(TITLE/POSITION WITH
COMPANY/VENDOR)

(NAME OF COMPANY/VENDOR) who does hereby certify that said Company/Vendor has implemented a drug free workplace program which meets the requirements of Section 287.087, Florida Statutes, which are identified in numbers (1) through (6) above.

SIGNATURE

DATE