



The City of Apalachicola, Florida, is currently accepting sealed proposals and qualifications for **“RFP 2021-01 – City Attorney Services.”**

The City is requesting proposals and qualifications from experienced and well qualified firms or individuals for the provision of City Attorney services. The City Commission or Bid Committee (if one is appointed) will review proposals and qualifications of submitting individuals and firms and if necessary, conduct interviews of all or a few of them. Upon the decision of the City Commission, the firm or individual will be appointed to provide City Attorney services. Firms or individuals interested in providing this service may obtain full bid documents from the City of Apalachicola website at www.cityofapalachicola.com.

The selected firm or individual will be expected to perform the services in accordance with the Scope of Work and the requirements of the solicitation. All quotations must be received by the City of Apalachicola in a sealed envelope that is clearly marked **“RFP 2021-01 – City Attorney Services”** no later than **12:00 noon on Friday, February 26, 2021**. All proposals will be opened and publicly read at 1:00 p.m. the same day. Any RFP package received after the designated closing time will be returned unopened.

Questions should be submitted in writing and directed to Travis Wade, City Manager at twade@cityofapalachicola.com

An addendum to the RFP documents will be posted with questions and answers and made available for all parties to review.

INSTRUCTIONS FOR BIDDERS RFP 2021-01 – CITY ATTORNEY SERVICES

I. Proposals must be received by **12:00 noon on Friday, February 26, 2021**. All proposals will be opened and publicly read at 1:00 p.m. on the same day. Bidders must submit one (1) electronic copy, one (1) original, and two (2) copies of all documents.

II. Proposals must be sealed and delivered to:

City of Apalachicola
Attn: Travis Wade, City Manager
“RFP 2021-01 – City Attorney Services”
192 Coach Wagoner Blvd.
Apalachicola, FL 32320

III. Proposals must be complete and include the following forms:

- a. Instruction for Bidders
- b. Bidders Declaration
- c. Certification Regarding Debarment, Suspension, Proposed Debarment
- d. Drug Free Workplace Certification Form
- e. Non-Collusion Affidavit
- f. Non-Discrimination Affidavit
- g. City Attorney Legal Service Fee Proposal
- h. Public Entity Crime Form
- i. E-Verify Affirmation Statement
- j. Conflict of Interest Statement
- k. Disputes Disclosure Form

Interested parties shall submit all required forms and information simultaneously with sealed proposal, which forms and information become a part of the property of the City of Apalachicola and will not be returned to the firm unless a written request to withdraw is received prior to August 16, 2019 at 12:00 noon. Any Proposal received after this date and time will not be considered. Proposals will be publicly opened and read at the City of Apalachicola on the day and at the hour specified. Bid award will be made to the best bidder, but the City reserves the right to reject any or all bids. The firm to whom award is made will be notified at the earliest possible date.

The City of Apalachicola reserves the right to reject the proposal of a firm who has previously failed to perform properly or complete on time, contracts of a similar nature, or the proposal of a firm who, in the sole opinion and discretion of the City of Apalachicola is not in a position to perform the contract, or whose name appears on the United States Comptroller General's list of ineligible contractors.

Interpretations of the quotation, clarification of quotation specifications and requirements or changes to the RFP which have a material effect will be documented and communicated to bidders only by written addenda posted on the City website. All qualifications submitted shall be subject to acceptance or rejection and the City of Apalachicola specifically reserves the right to accept or reject any or all quotations, to waive any technicalities and formalities in the quotation process, and award the bid in part or in any manner deemed to be in the best interest of the City. Applicable sections of the submitted quotation will become part of the final contract documents.

The successful bidder will be required to submit additional forms including but not limited to Non-Collusion Affidavit and Conflict of Interest Forms. These items apply to and become a part of the terms and conditions of the quotation submitted. Any exceptions must be in writing.

The undersigned understands that any conditions stated above, clarifications made to the above, or information other than that requested should be stated in writing, on a separate

sheet.

NOTE: Unless stated on the quotation form, the quotation submitted will assume all specifications will be met. Please note on the quotation form all exceptions.

_____ Print or
Type Name of Individual, Print or Type Name of Company Partner or Corporation

_____ Title
Address

_____ Authorized Signature City, State and Zip Code

_____ E-Mail
Telephone Number

PURPOSE, SCOPE OF WORK AND QUALIFICATIONS

Professional Services – City Attorney Services

- A. Purpose – The purpose of this Request for Proposals (RFP) is to provide the City a method to determine the best qualified Attorney(s), firm(s) or corporations(s) which, in the City’s opinion, is best suited to undertake the performance of legal services required by the City of Apalachicola. Factors such as capability, experience and the ability to work within established time and budget constraints will be used in the selection process.

Currently, the City of Apalachicola is requesting proposals from qualified individuals, firms and corporations capable of providing fully-certified attorney service with specific experience in Municipal Law.

- B. Agency Overview – The City of Apalachicola, Florida (estimated population of 2,300), is a diverse community located within Franklin County in the Northwest panhandle of Florida, encompassing approximately 2.6 square miles. Apalachicola is situated at the mouth of the Apalachicola River. It has a long history of maritime and seafood industries and a growing tourism economy.

Apalachicola is governed by a Mayor and four Commissioners, operating under the “Commissioner-Manager Plan” and has approximately 30 employees. The Mayor and Commissioners are elected by the City at-large for four year staggered terms. The City Commission is responsible for passing City ordinances, resolutions, adopting an annual

budget, appointing committees and setting policy. The City Manager is the Chief Operating Officer of the City government, providing direction and overall management for the administration and operation of each department within the City.

The City of Apalachicola provides a range of traditional municipal functions. These include police protection, water and sewer service, planning and zoning services, and recreational opportunities. Fire protection is provided by the Volunteer Fire Department.

- C. General Instructions – Responses must include complete information as described in this request. One (1) electronic copy, one (1) printed original, and six (6) copies shall be submitted by **12:00 noon on Friday, February 26, 2021** to:

City of Apalachicola
Attn: Travis Wade, City Manager
“RFP 2021-01 – City Attorney Services”
192 Coach Wagoner Blvd.
Apalachicola, FL 32320

- D. Questions – To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or the City Commission. Questions about this RFP may be sent by email to twade@cityofapalachicola.com prior to the submission deadline.

- E. Reimbursables – The City will not reimburse any expenses incurred by the firm submitting responses including, but not limited to, expenses associated with the preparation and submission of the response and attendance at interviews.

- F. Reservations – The City reserves the right to reject any and all proposals, and/or to request additional information from any and all Proposers.

- G. Proposal Submittal Content Format:

1. Firm background and brief history of firm
2. Number of attorneys, including number of partners and associates and areas of specialty
3. Support personnel: number and expertise
4. Office organization and support capabilities
5. Office location(s)
6. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.
7. Statement of any malpractice claims and/or ethics complaints taken against your firm or firm’s attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.

8. Describe malpractice insurance coverage: carrier, limits, and exemptions.

H. Attorney Qualifications:

1. The attorney shall be a member in good standing with the Florida Bar.
2. There shall be no pending investigations by the Florida Bar regarding the applicant.
3. There shall be no Public Reprimands, Suspensions, or Disbarments regarding the applicant by the Florida Bar or any jurisdiction.
4. Identify the specific attorney who will serve as the lead attorney and provide the following information (**NOTE: The following information is to be provided if available; it is not required to be considered.**):
 - a) Academic training and degrees.
 - b) Martindale-Hubble Rating
 - c) Martindale-Hubble Ethics Rating
 - d) Description of background and experience
 - e) Description of prior municipal experience including cities served in a similar capacity
 - f) List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation
5. Identify the attorney who will serve in the lead attorney's absence, and provide information as requested in Number 1 above.
6. Identify other attorneys and support staff who will supply services for which the City will be charged.
7. Indicate current responsibilities of person designated to serve as lead attorney.
8. List of cities you currently represent and for what type of service.
9. List of cities you began representing in the last three years and cities you stopped representing in the last three years.
10. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities. For each reference provide: name of entity; contact person; address and telephone number for reference; and dates of representation.
11. Description of the firm's view of their responsibilities to the City in the provision of legal services.

12. The Attorney or firm shall maintain in effect during the term of any agreement in connection with this RFP, and all extensions and amendments thereof, certain insurance coverage as set forth below, and shall furnish certificates of insurance, before beginning its performance under this Agreement.

- a) Commercial General Liability Insurance including Contractual Liability
- b) Insurance \$500,000 per occurrence or aggregate
- c) Worker's Compensation including Broad Form All States endorsement statutory amount, if required.
- d) Professional Liability: \$1,000,000 per occurrence; \$1,000,000 aggregate. (Aggregate limits are per 12-month policy period unless otherwise indicated.)
- e) Professional Liability coverage insuring the Legal Provider against liability arising out of acts or omissions in the furnishing of professional legal services pursuant to this agreement for the minimum limits of liability of \$1,000,000.

I. Conflict of Interest

- 1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.
- 2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents your firm's total billings.
- 3. Indicate whether designated lead attorneys or the law firm currently represents any other local units of government having jurisdiction within, or contiguous to, the City of Apalachicola.
- 4. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

J. Code of Ethics

The Attorney shall be governed by the Code of Ethics of the Florida Bar. The attorney or firm shall notify the City Commission of any conflict of interest in representing the City and shall endeavor to avoid situations that may result in the conflict of interest.

K. Fees

The Proposer shall submit a proposal for compensation, which should include, but is not limited to, a monthly retainer fee option, an hourly rate option, or a combination of these options. Unless strictly a monthly retainer, the hourly rate option is mandatory. The fee schedule shall include the following information:

1. The proposed monthly retainer fee and the expenses to be paid from the retainer fee.
2. The rates for reimbursable and/or out-of-pocket expenses, including, but not limited to
 - a. Word processing, travel (per mile), telephone, printing, photocopying, faxing etc.
3. The proposed rates for all other fee proposals or arrangements outside the standard hourly rates, if proposed by you or your law firm.
4. Propose a provision for rate increases in future years.

L. Indemnification

The attorney agrees to indemnify and save harmless the City, its officers, agents, and employees from and against any and all liability, claims, demands, damages, fines, fees, expenses, penalties, suits, proceedings, actions, and costs of action, including attorney's fees for trial and an appeal of any kind and nature arising or growing out of or in any way connected with the performance of the Agreement whether by act or omission of the attorney, its agents, servants, employees, or others, or because of or due to the mere existence of the Agreement between the parties.

M. Equal Opportunity

The contractor, subcontractor, vendor, supplier, or lessee states that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, national origin or age. The contractor or subcontractor will comply with all provisions of Executive Order No. 11246 and the rules, regulations, and relevant orders of the Secretary of Labor or other Federal Agency responsible for enforcement of the equal opportunity and affirmative action provisions applicable.

N. Public Records and Exemptions

Respondents are hereby placed on notice that all information submitted as part of or in support of their Proposals will be available for public inspection, in accordance with Chapter 119, Florida Statutes, known as the "Public Records Law," at the time the City posts notice of its decision or intended decision regarding recommended award of this RFP or thirty (30) days after the opening of Proposals, whichever is earlier.

O. City Attorney Services Requirements (Primary Responsibilities)

1. Licensing Requirements: In order to be considered a responsible and responsive Bidder for the Scope of Work set forth in these bid documents, all Bidders shall be licensed attorneys in good standing with the Florida Bar.
2. Experience Requirements: The Proposer must have experience and demonstrate the following:
 - a. Immediately preceding the time of appointment, shall possess a minimum of five (5) years' experience practicing law in the courts of the State of Florida, of which a minimum of three (3) years consist of practice in the area of municipal government.
 - b. Experience providing legal services to local government in the following areas: agendas, codes, ordinances, agreements, resolutions, ethics and public records, general municipal law, etc.
 - c. Experience representing municipal government operations as well as coordinating and managing the work of other law firms brought in for areas of specialized expertise.
3. References: At a minimum, Proposers must provide at least three (3) references of business clients and/or governmental agencies to which it has provided said services. If available, such references should be representatives of Florida jurisdictions to which the Proposer is currently providing, or has provided, services within the last five (5) years. Only one reference may be used for legal services rendered to the City of Apalachicola.

SCOPE OF SERVICES

The Proposer will be required to provide City Attorney services and represent the City in all matters requiring legal counsel. All duties must be performed in accordance with the City's Charter, the City's Code of Ordinances and all other pertinent statutes and regulations. The City Attorney is hired by and reports directly to the City Commission.

The selected Proposer will provide legal services as City Attorney including but not limited to the areas of legislative governmental issues, land use and zoning, personnel, law enforcement, code enforcement and contract law as well as monitoring the activities of any outside legal counsel representing the City in litigation.

The City Attorney is expected to perform all general legal representation for the City as required. Such general legal representation includes, but is not limited to:

1. Legislative work associated with the City Commission meetings, including preparation or review of ordinances and resolutions, and written policies and procedures, together with research work as necessary associated with the preparation of those documents. This activity shall include providing assessments of legal likelihood in support of City risk analyses.
2. Preparation of oral or written opinions on legal matters as required by the City Commission and/or City Manager
3. Negotiation and preparation of agreements, leases contracts, or similar documents.
4. Review and comment on contract form(s) between the City and independent contractors.
5. When requested by the City Commission or by the City Manager, performance of investigations that may require interviewing witnesses, taking testimony, review of reports, and legal research.
6. Provide legal counseling, guidance and opinions to the City Manager and the Department Heads regarding the operations of the City; provided, however that except in the event of an emergency problem, all requests by Department Heads for such legal counseling, guidance and opinions shall be channeled through the City Manager.
7. Participation in meetings and/or telephone conference with the City Manager and/or
8. Prepare and/or review charter revisions, ordinances, resolutions, documents and documents that are pertaining to City matters upon request by the City Commission or City Manager.
9. Provision of staff assistance, legal research and counseling related to the acquisition or sale of real property, preparation of leases, deeds and easements; utility franchise agreements; referendum questions, contracts, surety/performance/payment bonds, insurance policies, bills of sale, liens, waivers, subordinations, and other legal instruments; liability situations; grant guidelines; pension laws, arbitration, collective bargaining; and other matters as necessary requiring legal advice.
10. Interpretation of the City's Ordinances and prosecution of local ordinance or zoning violations in any Court, if the State Attorney is not handling the prosecution.
11. Maintenance of legal files and provision to the City Manager of copies of all correspondence, and of all pleadings and orders in all litigation the firm is handling for the City. On a monthly basis, the service provider will provide a brief written report on

the status of all litigation that the firm is directly handling or is overseeing on behalf of the City.

12. Keeping the City Commission and City Manager informed of legislation or judicial opinions that have potential to impact the City.
13. As requested by the City, overseeing, in a cost-effective manner, litigation in which the City represented by the City's insurance carriers.
14. Performance of other professional duties as may be required including but not limited to conducting legal research as required for the performance of duties representing the City.
15. Performance of professional duties and functions as may be required by Charter, ordinance or resolution of the City Commission.

REQUESTED SERVICES

1. Attend all regular Commission meetings, in person or virtually, on the first Tuesday following the first Monday of each month at 6:00 p.m., all Special Meetings and Workshops thereof when requested by the City Commission or City Manager.
2. Attend some City advisory board meetings, in person or virtually, in order to counsel the members thereof on any legal matter which confronts the board or committee.
3. Attend all Community Redevelopment Agency (CRA) meetings.
4. The Attorney shall retain an association with, or actually as an employee at their offices, a minimum of one attorney whom shall have competent experience in governmental affairs, in particular municipal government law and/or shall acquire such knowledge such that each attorney shall be able to attend such functions and attend to such matters as enumerated above in this contract when the Attorney is unavailable or unable to attend same.
5. The Attorney may also represent the City in proceedings in any court of competent jurisdiction and in hearings before administrative tribunals where the City is a party or intervener in respect to the issues that are pending before such court or administrative tribunal when directed to do so by the City Commission. The Attorney may also represent the municipality in other matters, not specifically enumerated herein, at the request of the City Commission or City Manager.
7. Maintain Auditable Records. The selected Attorney or firm shall maintain auditable

records to account for all receipts and expenditures, and to document compliance with the specifications. These records shall be kept in accordance with Generally Accepted Accounting Principles, and the City reserves the right to determine record-keeping methods in the event of non-conformity.

NOTE: Services contained within the Scope of Work will be provided pursuant to a Contract being issued to the successful Proposer.

REVIEW AND RANKING OF PROPOSALS

The successful applicant will be selected based upon the ability to meet the needs outlined in the RFP and the competitive rates at which these services may be provided. All proposals will be evaluated by the City in accordance with the factors set forth below in this solicitation.

1. Only those proposals fulfilling all the requirements outlined on this solicitation will be considered.
2. The City Commission or Bid Committee (if one is appointed) will evaluate each proposal submitted based on all submittals received. The City Commission or Bid Committee will evaluate the proposals from the submission and may ask questions of a clarifying nature, if necessary. The City Commission will award the contract.
3. The proposal, as submitted, will be considered the final submission. The proposal shall remain binding ninety (90) calendar days.
4. The successful respondent will enter into a service contract with the City of Apalachicola. Applicable sections of this Request for Proposal shall be included and incorporated in the final contract. When applicable, a contract may be renewed contingent on cost factors, mutual agreement, satisfactory performance evaluations, availability of funds and the approval of the City Commission.
5. The City reserves the right to reject any and all proposals, to waive minor defects in the process and to accept the proposal deemed by the City to be in the City's best interest. All issues addressed in the Request for proposals will be given consideration in determining the successful proposer.
6. If proposers are required to enter onto City of Apalachicola property to deliver materials or perform work or services, as a result of RFP award, the successful proposer shall assume full duty, obligation and expense of obtaining all necessary licenses, permits, inspections and insurance, as required.
7. The proposer, if selected for inclusion on a short list, may be invited, at the sole

discretion of the City, to make a brief oral presentation to the City Commission or Bid Committee (if one is appointed). Notices for the interview will contain specific directions regarding the interview format. However, the proposer should be prepared to discuss, at a minimum, the following issues during the presentation/interview.

- a. The firm’s qualifications, including the qualifications/abilities of professional, in house personnel (Primary contact person should be identified as part of this requirement);
- b. Approach/methods to be employed;
- c. The firm’s ability to furnish services within required or necessary time constraints and/or budget constraints;
- d. A demonstrated understanding of municipal requirements as they related to the financial and management operations of a local government; and
- e. Related issues as may be posed by the City Commission or senior staff. Offerors which are selected to make presentations will be notified in advance of the presentation date. At the end of the presentation/interview process, the City Commission or Bid Committee (if one is appointed) shall rank, in order of preference, the top three (3) firms.

PROPOSAL EVALUTATION CRITERIA

	Criteria	Points
1.	Qualifications and Experience	30
2.	Experience Working with City Government	30
3.	References and/or Recommendations	10
4.	Methodology and Approach	10
5.	Fee Proposal	20
	Total:	100

- 1. Qualifications and Experience (30 Points) – Provide information as to each of the individual attorney’s experience and the firm’s experience in representing local governmental entities. That is, identify all current and for the past five (5) years municipal, county or other governmental agencies for which your firm has provided legal counsel or advice and the relationship between the law firm and/or each individual

attorney and the identified entity.

Identify the specific experience of the firm in all phases of Florida land use law. Identify the specific experience of the firm in specialized areas, including but not limited to municipal issues including parliamentary procedures, open meetings, FOIA, Government in the sunshine, elected official, municipal finance, land use, zoning, growth management, environmental law, inter local agreements, building code, personnel and additional legal areas that will identify the focus of the firm.

2. Experience Working with City Government (30 Points) – Provide information as to each of the individual attorney’s experience and the firm’s experience in representing local government entities. That is, identify all current and for the past five (5) years municipal, county, or other governmental agencies for which your firm has provided legal counsel or advice and the relationship between the law firm and/or each individual attorney and identified entity.

Identify the specific experience of the firm in all phases of Florida land use law. Identify the specific experience of the firm in specialized areas, including but not limited to municipal issues including parliamentary procedures, open meetings, FOIA, Government in the sunshine, elected official, municipal finance, land use, zoning, growth management, environmental law, inter local agreements, building code, personnel, and additional legal areas that will identify the focus of the firm.

3. References (10 Points) – Respondents must provide a minimum of five (5) references of which at least two (2) shall be cities. For each reference provide: name of entity; contact person; address and telephone number for reference; and dates of representation.

4. Methodology and Approach (10 Points) – Respondents should include the following:

- Name of law firm/individuals and primary attorney to service as the City Attorney at each City Commission meeting and other board meetings.
- After hour availability.
- Information on how the firm/individual would structure the working relationship between the City Attorney’s office , City Commission, and the City Manager’s office.
- Areas of expertise where the use of special outside counsel is anticipated. · Statement on how the workload of the City of Apalachicola will be accommodated and what kind of priority it would be given.

5. Fee Proposal (20 Points) – The Proposer shall submit a proposal for compensation, which should include, but is not limited to, a monthly retainer fee option, an hourly rate option, or a combination of these options. In the instance of an “Exception” to the RFP process, please provide a specific proposal detailing the costs associated with the

alternative proposal.

BIDDERS DECLARATION

The firm/individual understands, agrees and warrants:

- The firm/individual has carefully read and fully understands the full scope of the specifications.
- That the bidder acknowledges and agrees that the City of Apalachicola may reject this proposal, in whole or in part, out-of-hand, for no reason, and that any such rejection will result in no obligation whatsoever on the part of the City or any of its employees and officials.
- That the bidder acknowledges, understands and agrees that the City Commission reserves the right to reject all proposals and to accept any offer received, whether or not the offer is the lowest price offer received.
- That the City of Apalachicola reserves the right to reject any or all proposals and to accept that proposal which will, in its opinion, best serve the public interest. The City of Apalachicola reserves the right to waive any technicalities and formalities in the proposal process.
- That by submission of this proposal the firm acknowledges that the City of Apalachicola has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information supplied by the firm.
- That the bidder acknowledges and agrees that the successful proposer will be expected to adhere to the billing procedures of the City and to all standard contractual requirements of the
- City. The Attorney shall provide legal services in accordance with this RFP, as they may be amended from time to time.
- That the bidder acknowledges and agrees that all proposals submitted shall become public record upon the opening of the sealed envelope in which the Attorney's proposal is submitted
- If a partnership, a general partner must sign.
- If a corporation, the authorized corporate officer(s) must sign and the corporate seal must be affixed to this bid.

Bidder:

_____ Name Title

_____ Name Title

Affix Corporate Seal (if applicable)

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION
PROPOSED DEBARMENT AND OTHER MATTERS OF RESPONSIBILITY**

1. The Proposer certifies, to the best of its knowledge and belief, that the Proposer and/or any of its Principals:
 - A. Are not presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency.
 - B. Have not, within a three-year period preceding this offer, 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) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and
 - C. Are not presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph 1-B of this provision.
2. The Proposer has not, within a three-year period preceding this offer, had one or more contracts terminated for default by any City, State or Federal agency.
 - A. "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

This Certification Concerns a Matter Within the Jurisdiction of an Agency of the United States and the Making of a False, Fictitious, or Fraudulent Certification May Render the Maker Subject to Prosecution Under Section 1001, Title 18, United States Code.

- B. The Proposer shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Proposer learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- C. A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Proposer's

responsibility. Failure of the Proposer to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Proposer nonresponsive.

- D. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision.
- E. The knowledge and information of a Proposer is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
- F. The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Proposer knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

AS THE PERSON AUTHORIZED TO SIGN THE STATEMENT, I CERTIFY THAT THIS CONSULTANT COMPLIES FULLY WITH THE ABOVE REQUIREMENTS.

Signature _____

Printed Name _____

Date _____

DRUG-FREE WORKPLACE CERTIFICATION FORM

Whenever two (2) or more bids/proposals, which are equal with respect to price, quality, and service, are received by the City of Apalachicola for the procurement of commodities or contractual services, a bid/proposal received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. 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 controlled substances 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 number (1).
4. In the statement specified in number (1), notify the employees that as a condition for 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 on or plea of guilty or no contest to any violation of Chapter 893, Florida Statutes or of any controlled substance law of the United States or any singular 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 Section 287.087, Florida Statutes.

This Certification is submitted by _____ the
(Name)

_____ of _____
(Title/Position) (Company)

who hereby certifies that said Company 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.

(Date)

(Signature)

NON-COLLUSION AFFIDAVIT
STATE OF FLORIDA - COUNTY OF _____

_____ being first duly sworn, deposes and says
that:

- (1) He/She/They is/are the _____ (Owner, Partner, Officer, Representative or Agent) of _____, the PROPONENT that has submitted the attached proposal;
- (2) He/She/They is/are 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 PROPONENT 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 PROPONENT, 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 PROPONENT, firm, or person to fix any overhead, profit, or cost elements of the Proposal or of any other PROPONENT, or to fix any overhead, profit, or cost elements of the Proposed Price or the Proposed Price of any other PROPONENT, 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 PROPONENT or any other of its agents, representatives, owners, employees or parties of interest, including this affiant.

Signed, sealed and delivered in the presence of:

_____ by: _____ Witness
Signature

_____ _____ Witness
Print Name and Title

NON-DISCRIMINATION AFFIDAVIT

I, the undersigned, hereby duly sworn, depose and say that the organization, business or 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 Apalachicola. 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.

By: _____

Title: _____

Sworn and subscribed before me this ____ day of _____, 2021.

Notary Public, State of Florida

(Printed Name)

My commission expires: _____

CITY ATTORNEY LEGAL SERVICE FEE PROPOSAL

Individual and/or Company's Name:

The Proposer shall submit a proposal for compensation, which should include, but is not limited to, a monthly retainer fee option, an hourly rate option, or a combination of these options. In the instance of an "Exception" to the RFP process, please provide a specific proposal detailing the costs associated with the alternative proposal.

Fee Proposal: _____

We, the undersigned, hereby propose and agree to furnish to the City of Apalachicola all work as defined in the RFP. This proposal is subject to all terms of the specifications and bid conditions, and we hereby agree to furnish such items as may be awarded to us.

Authorized Signature Date

Name Telephone Number Print

Email Address Title

**SWORN STATEMENT UNDER SECTION 287.133 (3) (a),
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted for _____.
This sworn statement is submitted by _____.
Whose business address is: _____
and (if applicable) its Federal Employer Identification Number (FEIN) is _____.
2. If entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____
3. My name is _____ and my relationship to the entity named above is _____.
4. I understand that a “public entity crime” as defined in Section 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
5. I understand that “convicted” or “conviction” as defined in Section 287.133 (1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without adjudication of guilt, in any federal or state trial court of record, relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
6. I understand that an “affiliate” as defined in Section 287.133(1) (a), Florida Statutes, means: (1) a predecessor or successor of a person convicted of a public entity crime; or (2) An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term “affiliate” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm’s length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

7. I understand that a "person" as defined in Section 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
8. Based on information and belief, that statement which I have marked below is true in relation to the entity submitting this sworn statement. [Please indicate which statement applies.]

Neither the entity submitting this sworn statement, nor one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate of the entity, has been charged with and convicted of public entity crime subsequent to July 1, 1989.

There has been a proceeding concerning the conviction before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. [Please attach a copy of the Final Order.]

The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. [Please attach a copy of the Final Order.]

The person or affiliate has not been placed on the convicted vendor list. [Please describe any action taken by or pending with the Department of General Services.]

Date: _____ Signature: _____

STATE OF: _____ COUNTY OF: _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority, who after first being sworn by me, affixed his/her signature in the space provided above on this ____ day of _____, in the year of _____.

My commission expires: _____

Signature: _____ Print, Type, or Stamp of Notary Public

Personally known to me, or Produced Identification:

Type of ID: _____

E-VERIFY AFFIRMATION STATEMENT

RFP/Bid /Contract No: _____

Project Description: _____

Contractor/Proposer/Bidder acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of,

- (a) All persons employed by Contractor/Proposer/Bidder to perform employment duties within Florida during the term of the Contract, and,
- (b) All persons (including subcontractors/vendors) assigned by Contractor/Proposer/Bidder to perform work pursuant to the Contract.

The Contractor/Proposer/Bidder acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verify System during the term of the Contract is a condition of the Contract.

Contractor/Proposer/ Bidder Company Name: _____

Authorized Company Person's Signature: _____

Authorized Company Person's Title: _____

Date: _____

CONFLICT OF INTEREST STATEMENT

STATE OF FLORIDA, CITY OF _____

Before me, the undersigned authority, personally appeared _____, who was duly sworn deposes and states:

1. I am the _____ of _____ with a local office in and principal office in _____.
2. The above named entity is submitting a Proposal for the City of Apalachicola RFP NO. 2021-01 described as City Attorney Legal Services.
3. The Affiant has made diligent inquiry and provides the information contained in the Affidavit based upon his/her own knowledge.
4. The Affiant states that only one submittal for the above proposal is being submitted and that the above named entity has no financial interest in other entities submitting proposals for the same project.
5. Neither the Affiant nor the above named entity has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraints of free competitive pricing in connection with the entity’s submittal for the above proposal. This statement restricts the discussion of pricing data until the completion of negotiations if necessary and execution of the Contract for this project.
6. Neither the entity nor its affiliates, nor anyone associated with them, is presently suspended or otherwise ineligible from participation in contract letting by any local, state, or federal agency.
7. Neither the entity nor its affiliates, nor anyone associated with them have any potential conflict of interest due to any other clients, contracts, or property interests for this project.
8. I certify that no member of the entity’s ownership or management is presently applying for an employee position or actively seeking an elected position with the City of Apalachicola.
9. I certify that no member of the entity’s ownership or management, or staff has a vested interest in any aspect of the City of Apalachicola.
10. In the event that a conflict of interest is identified in the provision of services, I, on behalf of the above named entity, will immediately notify the City of Apalachicola.

DATED this _____ day of _____ 2021.

(Affiant)

Typed Name and Title

Sworn to and subscribed before me this _____ day of _____ 20____.

Personally Known _____ or produced identification _____

Type of Identification: _____

Notary Public-State of _____

Printed, typed, or stamped commissioned name of notary public.

My commission expires _____

DISPUTES DISCLOSURE FORM

Answer the following questions by placing an "X" after "YES" or "NO". If you answer "YES," please explain in the space provided, or via attachment.

Has your firm or any of its officers, received a reprimand of any nature or been suspended by the Department of Professional Regulations or any other regulatory agency or professional association within the last five (5) years?

YES _____ NO _____

Has your firm, or any member of your firm, been declared in default, terminated or removed from a contract or job related to the services your firm provides in the regular course of business within the last five (5) years?

YES _____ NO _____

Has your firm had against it or filed any request for equitable adjustment, contract claims, bid protest, or litigation in the past five (5) years that is related to the services your firm provides in the regular course of business?

YES _____ NO _____

If yes, state the nature of the request for equitable adjustment, contract claim, litigation, or protest, and state a brief description of the case, the outcome or status of the suit and the monetary amounts or extended contract time involved.

I hereby certify that all statements made are true and agree and understand that any misstatement or misrepresentation or falsification of facts shall be cause for forfeiture of rights for further consideration of this proposal for the City of Apalachicola.

Name Title Date

Signature