



*Proposal for*

## **Impact Fee Study**

**RFP # 2021-01  
City of Belle Isle, Florida**

**Due February 9, 2021**

*Submitted by*

## **Duncan Associates**

**14709 Rush Pea Circle  
Austin, TX 78703**

**Clancy Mullen, President  
clancy@duncanassociates.com  
(512) 423-0480**



# Tab 1. Table of Contents

---

## Contents

<b>TAB 1. TABLE OF CONTENTS</b> .....	<b>1</b>
<b>TAB 2. LETTER OF TRANSMITTAL</b> .....	<b>2</b>
<b>TAB 3. GENERAL INFORMATION</b> .....	<b>3</b>
<b>TAB 4. PROJECT APPROACH</b> .....	<b>4</b>
UNDERSTANDING AND APPROACH .....	4
SCOPE OF SERVICES .....	6
PROJECT SCHEDULE.....	7
<b>TAB 5. EXPERIENCE AND QUALIFICATIONS</b> .....	<b>8</b>
NATIONAL EXPERIENCE .....	8
FLORIDA EXPERIENCE.....	8
PERSONNEL/RESUMES.....	10
REFERENCES .....	12
<b>TAB 6. PRICING AND PAYMENT TERMS</b> .....	<b>15</b>
<b>REQUIRED FORMS</b> .....	<b>16</b>

## Tab 2. Letter of Transmittal

---



February 5, 2021

Yolanda Quiceno, City Clerk  
City of Belle Isle  
1600 Nela Avenue  
Belle Isle, FL 32809

**RE: Impact Fee Study, RFQ # 2021-01**

On behalf of **Duncan Associates**, I am pleased to submit our proposal to update the City's transportation impact fee and develop additional impact fees for parks, public safety, and general government facilities.

We have extensive experience with impact fees in Florida, having prepared impact fee studies for 35 local governments in the state over the past 30 years. We are willing and able to complete the work requested in this RFP.

The authorized representative for this project is:

Clancy Mullen, President  
Duncan Associates  
17409 Rush Pea Circle  
Austin, TX 78738  
(512) 423-0480 (cell)  
clancy@duncanassociates.com

We look forward to your review of our proposal. Please let me know if you have any questions.

Sincerely,  
DUNCAN ASSOCIATES

A handwritten signature in black ink that reads "Clancy Mullen".

Clancy Mullen  
President

### Tab 3. General Information

---

1. Name of Business. The firm's corporate name is James Duncan and Associates, Inc. We do business as Duncan Associates.
2. Mailing Address/Phone. Our main office is at 17409 Rush Pea Circle, Austin, TX 78738. Our phone number is (512) 423-0480.
3. Contact Person. Clancy Mullen, 17409 Rush Pea Circle, Austin, TX 78738, (512) 423-0480, clancy@duncanassociates.com.
4. Normal Business Hours. 8 am – 6 pm, Monday – Friday.
5. Legal Status. The firm has a national practice in the areas of impact fees and land development codes. It is incorporated as an S Corporation in Texas as James Duncan and Associates, Inc., doing business as Duncan Associates.
6. Date of Organization. The company was established as a sole proprietorship by James Duncan in 1987. It was incorporated in 1997.
7. Office Location/Staffing. The work will be led by our Austin, Texas office, and supported by our Chicago office. It will be staffed by two professionals in Austin and one in Chicago.
8. Parent/Subsidiary. The firm is not a subsidiary or division of a parent firm.
9. Authorization. James Duncan and Associates, Inc. is authorized to conduct business in Florida.
10. Licenses. All employees are professional planners or financial analysts with higher education degrees. No certification is required for impact fee analysis.
11. RFP Notification. We were sent the RFP by the City Manager.

## Tab 4. Project Approach

---

### Understanding and Approach

The requested scope of services is generally a very reasonable one, although we would suggest approaching some of them a little differently. Our proposed approach is detailed below.

### Types of Facilities

Transportation. The RFP requests an update of the current transportation impact fee. The current fees are assessed only on residential uses, and the City desires that the updated fees apply to nonresidential development as well. We believe this is appropriate, and in fact have never calculated transportation fees for residential uses only (although some clients have chosen to assess them only on new residential uses).

Other Facilities. The RFP also requests that the consultant develop impact fees for other types of facilities that might be appropriate. Potential additional facilities for which impact fees could be developed include parks, fire, police, general government, storm sewer, and affordable housing.

As part of our fixed-fee price, we propose to develop potential impact fees for parks, police, and general government facilities. We could also develop some additional fee types, as discussed below, but have not included them in our fixed-fee proposal.

Affordable housing. An impact fee for affordable housing would be the most difficult to develop. Impact fees are generally designed to fund the improvement or expansions of government-owned facilities or major equipment to ensure that new development does not reduce the level of service currently enjoyed by existing development. Affordable housing does not neatly fit into this framework, and developing impact fees to fund affordable housing initiatives raises complex legal issues. Another approach to developing more affordable housing would be to modify zoning and other development regulations to allow or encourage more housing options, such as accessory dwelling units and apartments.

Fire protection. It is our understanding that the City does not currently have its own fire department, and is presumably served by Orange County or a fire rescue district, both of which have the ability to assess impact fees on new development in Belle Isle. If the City desires to form its own fire department, it would start out with a very large capacity deficiency (the cost of the facilities and equipment to serve all existing development). Consequently, the City would need to use other funds to create a level of service for existing development before it would have a basis to assess fire impact fees on new development to maintain that level of service.

Stormwater. Impact fees could be developed for stormwater drainage, but we don't know enough now about the City's existing facilities or needs to include it in our fixed-fee proposal.

## Methodology

There are two basic impact fee methodologies:

The demand-driven methodology calculates fees based on the average cost to accommodate an additional unit of demand (population, equivalent dwelling unit, vehicle-mile of traffic, etc.) at the existing level of service.

The alternative plan-based methodology is based on a long-range master plan. It calculates fees based on growth projections (new units of demand such as population, trips, etc.) over a time horizon and the cost of the planned improvements that would be necessary over that time period to maintain the current level of service.

We do not know if the City has recent long-range master plans for any of the facilities under impact fee consideration. The demand-driven methodology does not require such plans. Even if a master plan is available, the plan-based approach may still not be feasible unless the plan includes sufficient information about the existing level of service and existing capacity deficiencies. In addition, the plan-based approach would require the master plan to be updated to add or change planned improvements, as well as every time the impact fees are updated. It is for these reasons that the plan-based methodology is rarely used in Florida. We propose to use the demand-driven methodology for all the impact fee facility type.

Land Use Categories. The RFQ asks that the consultant address how multiple-bedroom and accessory dwelling units can be more equitably be assessed impact fees. Residential units can be assessed based on size, measured in terms of either number of bedrooms or square feet of floor area. There is little data on average household size or trip generation for accessory dwelling units, and they are often assessed the same as a multi-family unit, sometimes adjusted based on average unit size or occupancy limitations. We will discuss such options with the City if selected.

## Draft Reports

The RFP requests three drafts of the impact fee study. We have included three drafts in the proposed scope: an initial staff review draft, a public review draft that responds to staff comments, and a final draft that responds to input from advisory committees, community groups, the public, and the governing body. We would also provide at least two status reports, whether in writing or orally.

## Legal Support

We would not produce an impact fee study that we were not willing to defend in court if necessary. Of the more than 100 impact fee studies we have prepared in Florida, only one has been challenged in court. We assisted Lee County in the successful defense of the school impact fee study we had prepared for the county, which was challenged by the home builders association following adoption of the school fees in 2001. Clancy Mullen served as an expert witness at the trial court, which upheld the study and the fees.

## Scope of Services

The following scope of services and timeline is suggested to implement the project approach described above.

### Task 1: Project Organization/Data Collection

This task will involve data collection and project organization for the impact fee study update. Upon notice to proceed, the consultant will provide an initial data needs list and work with the City's project manager to schedule a meeting with key members of City staff. Due to the pandemic, this meeting would be attended by the consultant remotely via teleconference or webinar. During the organizational meeting, the consultant will solicit direction on issues identified in the previous section. The City should provide the consultant, without charge, copies of all relevant plans, studies and documents needed to perform the scope of work. At the end of the task, the consultant will prepare a memorandum summarizing the organizational framework for the project and listing additional data needs

*Deliverables:*     *Project Organization Meeting*  
                          *Project Organization Memorandum*

### Task 2: Staff Review Draft

This task entails working with staff to acquire required local data and preparing an initial draft of the impact fee study for City staff review. The study will be based on review of levels of service, land use trends and policies, master plans, planned capital improvements, growth projections, financial data, and other relevant information. It will include all the elements mandated by impact fee case law, including compliance with the dual rational nexus test. These elements will include an inventory of existing facilities; the cost of improvements required to remedy any existing service deficiencies; the proportionate share of the cost of improvements required to accommodate increased service demands; and appropriate revenue credits to ensure that new development is not charged more than its proportionate share of the cost of new facilities. It will include tables that identify the demand associated with different land use types. The study will culminate with a net cost schedule by land use for each fee type, which represents the maximum impact fees that could be charged based on the data, methodology, and analysis used in the study. It will also include growth projections and a comparison of the updated fees with those charged by surrounding jurisdictions, as requested in the RFP.

*Deliverable:*     *Staff Review Draft*

### Task 3: Public Review Draft/Ordinance

Following receipt of comments on the staff review draft, the consultant will make appropriate modifications to the impact fee study and provide a draft for public review. Concurrent with the public review draft, the consultant could provide draft ordinance amendments to implement the study findings. These amendments could include consolidating the four separate ordinances into a single ordinance if desired by the City.

*Deliverables:*     *Public Review Draft*



*Final Study (if required)*  
*Calculation Spreadsheet*

**Task 4: Public Meetings**

The consultant will attend public meetings to discuss the project and present the findings of the study as requested by the City. Given the current state of the pandemic, the consultant would need to attend remotely by audio/video link. If in-person consultant attendance becomes possible and is desired, it would be provided for additional compensation to cover travel time and expense. For the purposes of the fixed-fee proposal, attendance at three meetings is assumed.

*Deliverable: Consultant Participation in up to Three (3) Meetings*

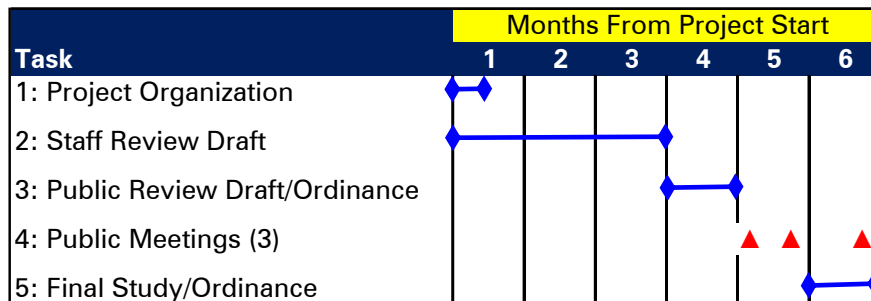
**Task 5: Final Study/Ordinance**

Following comments and guidance received during the review process, the public review draft and draft ordinance amendment would be revised as necessary. At the conclusion of the project, consultant will provide the City with the Excel spreadsheet used for the fee calculations.

*Deliverables: Final Study*  
*Final Ordinance Amendments*  
*Calculation Spreadsheet*

**Project Schedule**

The project is anticipated to take at least six months from project initiation to adoption. The consultant will complete the staff review draft within three months from the organizational meeting. The remainder of the schedule will be largely dependent on the City to review drafts, provide comments and schedule meetings.

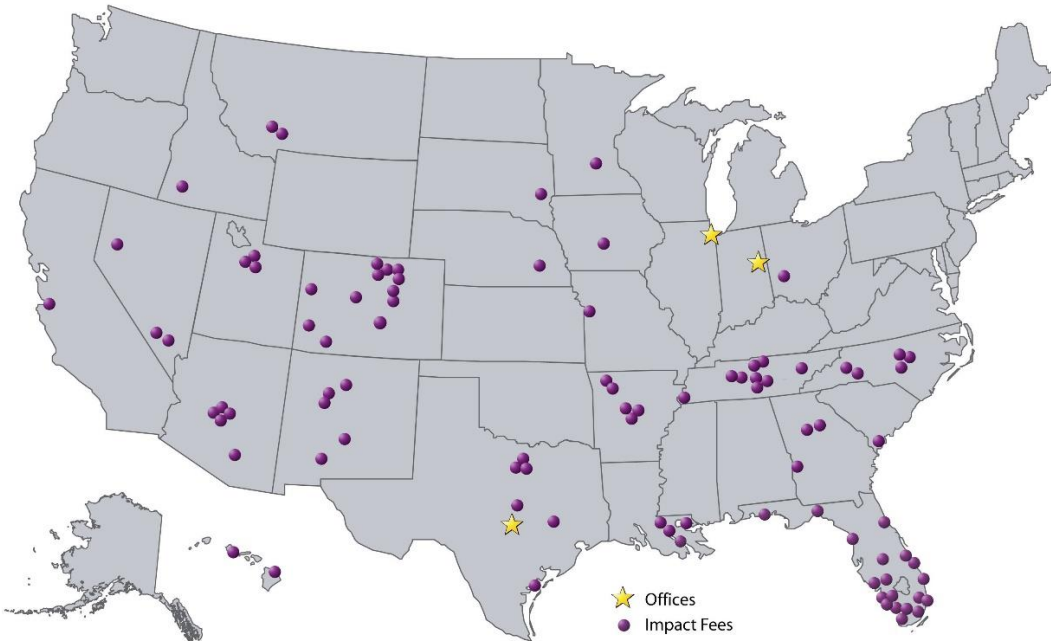


## Tab 5. Experience and Qualifications

### National Experience

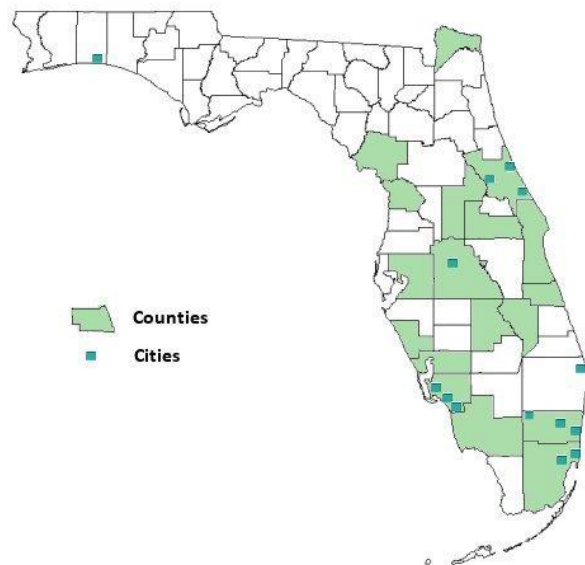
Duncan Associates has drafted over 400 impact fee studies for over 100 clients in 25 states (illustrated in the map below). These studies have covered the full range of impact fee facilities, using a variety of methodologies. About one-fourth of our clients have been Florida jurisdictions.

**Duncan Associates Impact Fee Client Map**



### Florida Experience

Duncan Associates has prepared impact fee studies for 35 jurisdictions in Florida. The location of the local governments that are current or previous clients are illustrated in the map to the right. The types of facilities addressed in our Florida impact fee studies are summarized in the matrix below.



### Duncan Associates Florida Impact Fee Client Matrix

Client	Road	School	Parks	Library	Fire	EMS	Law	Jail	Ggov't
Bonita Springs	•		•						
Brevard County			•		•		•		
Broward County		•							
Cape Coral	•								
Charlotte County	•		•	•	•	•	•	•	•
Citrus County	•	•	•	•	•	•	•		
Collier County			•					•	•
Daytona Beach	•		•		•		•		
DeLand			•		•		•		•
Destin	•		•	•			•		•
Fort Lauderdale			•						
Highlands County	•	•	•	•	•	•	•	•	
Hillsborough County	•	•	•		•				
Indian River County	•	•	•	•	•		•	•	•
Lake County	•		•	•	•				
Lee County	•	•	•		•	•			
Levy County	•				•				
Martin County			•	•					•
Miami/Dade County		•	•						
Nassau County			•		•		•		•
New Smyrna Beach	•								
North Bay Village							•		
North Port	•		•		•		•		•
Okeechobee County	•	•			•	•	•		
Orange County	•	•	•		•		•		
Osceola County					•				
Palm Beach Gardens	•		•		•		•		
Plantation			•	•	•		•		•
Polk County	•	•	•	•	•	•	•	•	
Sarasota County	•		•	•	•	•	•	•	•
St. Johns County									
Sweetwater	•		•				•		•
Volusia County	•								
Weston			•		•		•		•
Winter Haven	•		•		•		•		
<b>Total</b>	<b>22</b>	<b>10</b>	<b>26</b>	<b>10</b>	<b>22</b>	<b>7</b>	<b>20</b>	<b>6</b>	<b>12</b>

## Personnel/Resumes

The three current principals of Duncan Associates, who will also be the key personnel involved in this project, have been with the firm since the beginning of our impact fee practice. Clancy Mullen has been the project manager and primary author of most of the firm's impact fee studies. Kirk Bishop and Jody Maas have provided planning, financial, and quality assurance assistance on most of the firm's impact fee projects.

### Clancy J. Mullen, Project Manager

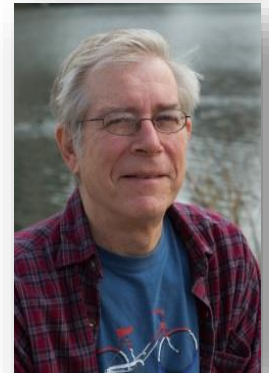
Clancy Mullen is a principal of Duncan Associates and currently serves as president. He is one of the nation's most experienced impact fee specialists. Since joining Duncan Associates over 30 years ago, Clancy has managed most of the firm's impact fee studies, including all but one of the firm's projects in Florida. In addition to over 400 studies for cities and counties from coast to coast, he has also prepared impact fee studies for the Florida Department of Community Affairs, the Hawaii Department of Education, the Louisiana Department of Transportation, the Maryland-National Capitol Park and Planning Commission, and the Minnesota Department of Agriculture.

Impact fees must meet strict legal requirements, which in Florida is mostly case law. Clancy learned the Florida and national impact fee case law early in his career, through association with people like Dr. James C. Nicholas and professor Julian Juergensmeyer. He also served as an expert witness in the successful defense of a school impact fee imposed by Lee County, Florida in 2002.

The methodology used to calculate impact fees must meet these legal requirements, and state enabling acts seldom provide much guidance. By necessity, Clancy has explored issues related to impact fee methodology extensively and frequently lectures on impact fee methodology at professional conferences. He understands the fundamental requirements that a defensible methodology must meet. He has experience using a broad range of methodologies, including both standards-based (incremental expansion, buy-in, consumption-based, or demand-driven) and plan-based (improvements-driven).

Prior to joining Duncan Associates, Clancy served as a zoning planner for the City of Austin, Texas. He is a contributing author to two American Planning Association publications, *Impact Fees: Principles and Practice of Proportionate-Share Development Fees*, 2009 and *Growth Management Principles and Practices*, 1995, as well as the Island Press book *A Guide to Impact Fees and Housing Affordability*, 2008.

Clancy is a founding member of the Board of Directors of the Growth & Infrastructure Consortium (formerly National Impact Fee Roundtable). He was a National Merit Scholar at Rice University and has a master's degree in community and regional planning from the University of Texas at Austin.



**CLANCY MULLEN**

#### Education

M.S. in Community and  
Regional Planning  
University of Texas at Austin

## **Kirk Bishop, Planner**

Kirk has been with Duncan Associates since 1987. Kirk is in charge of the firm's regulatory review and revision services. In addition to his regulatory work, Kirk has provided planning and quality control assistance in numerous Florida impact fee projects, including projects for Citrus, Lee, Sarasota and Polk Counties, and has managed impact fee projects for the County of Hilton Head Island, South Carolina, the Telluride R-1 School District in La Plata County, Colorado, and the Miami-Dade School Board. Before joining Duncan Associates, Kirk was a senior planner with the city of Austin, where he was responsible for zoning and subdivision case review, and staff support for a citizen's code update panel. Earlier in his career, he was a senior associate with the American Planning Association, where he served as principal researcher for numerous studies and authored the Planning Advisory Services report, "Designing Urban Corridors." Kirk is a frequent speaker at conferences and a regular guest lecturer in the University of Illinois at Chicago's Urban Planning and Public Affairs program. He holds a master's degree in urban and regional planning and a bachelor's degree in political science from the University of Iowa.



**KIRK BISHOP**

### **Education**

M.A. in Urban and Regional Planning, University of Iowa

## **Jody Maas, Financial Analyst**

Jody Maas is a financial analyst who has worked on many impact fee projects since joining Duncan Associate in 1990, including the Florida counties of Citrus, Lake, Lee, Polk, Orange, Sarasota and Volusia. Her work on impact fee projects includes review of budgets and comprehensive financial reports, analysis of debt obligations, cash flow analysis, document editing and quality control. She also has 23 years' experience managing the business aspects of the firm. Jody's accountability extends to financial activities of the firm as well as human resources and managing the day to day office operations. Her responsibilities include payroll oversight, including federal and state payroll reporting, multi-faceted state compliance reporting, 401k reporting, accounts payable, accounts receivable, liaison with health/professional liability/commercial liability insurance companies, human resources management, tax planning, cash management, expense forecasting, and internal/external financial reporting. She has a degree in business with an emphasis in accounting from Nebraska Wesleyan University.



**JODY MAAS**

### **Education**

B.S. in Business Administration  
Nebraska Wesleyan University

## References

Descriptions and references for recent projects are provided below. All these projects involved the same Duncan Associates' personnel in the same roles: Clancy Mullen, project manager; Jody Mass, financial analyst; and Kirk Bishop, planner.

**Polk County, FL.** Duncan Associates recently completed its third project for Polk County. The County assesses impact fees for transportation, school, park, library, law enforcement, fire rescue, EMS, and correctional facilities. In 2010, Duncan Associates, in association with Dr. James C. Nicholas, prepared a study updating Polk County's impact fees for all fee types except transportation and schools. The second update, completed in 2015, updated all the fees, including transportation and schools. The updated transportation fee provided greater flexibility to fund multi-modal transportation facilities. The County Commission adopted the updated fees. The third update was completed in 2019.

Contact: Todd Bond, Director, Budget and Management Services  
330 West Church Street, Bartow, FL 33831-9005  
863-534-6576  
toddbond@polk-county.net

**Hillsborough County, FL.** Duncan Associates first impact fee project for Hillsborough County was completed in 2004. This study updated fees for roads, right-of-way, parks, and fire facilities, updated school fees in lieu of land dedication, and calculated alternative school impact fees. The County did not take action on the report at the time, but did adopt school impact fees based on the study in 2006. We are recently completed separate studies for fire and school facilities. The updated study for fire incorporated EMS costs, while the school update included the options for assessing fees by either a flat rate per dwelling unit or by dwelling unit size. The updated fire impact fees were adopted in 2019, and school impact fees were adopted in 2020.

<u>Contacts:</u>	<u>Fire Fee Update</u>	<u>School Fee Update</u>
	Thomas Fass, PE	Richard Ranck, PE
	Assistant County Administrator	Principal Planner, Public Works Dept.
	601 E. Kennedy Blvd.	601 E. Kennedy Blvd.
	Tampa, FL 33602	Tampa, FL 33602
	(813) 614-2196	(813) 635-1625
	fasst@HCF.gov.net	RanckR@HillsboroughCounty.org

**DeLand, FL.** Duncan Associates recently completed its first impact fee assignment for the City of DeLand in 2019. It updated the City's four impact fee types: parks, fire, police and general government. The fees were based on studies prepared in 2002 and 2004. The updated study proposed to simplify land use categories (the general government fee schedule had 42 nonresidential land uses) and changed the service unit for fire and police fees to functional population, which results in fees that are similar to but more stable over time than the current calls-per-service-unit approach. The City Commission accepted the study and adopted the update fees in 2019.

Contact: Mike Grebosz, Assistant City Manger  
City of DeLand  
120 S. Florida Ave.  
DeLand, FL 32720  
(386) 626-7110  
Greboszm@deland.org

**Volusia County, FL.** Duncan Associates recently completed an update of Volusia County's thoroughfare road impact fees. The previous fees were based on studies prepared in 1999 (trip data) and 2003 (cost and revenue data). The fees were 79% of the maximum amounts calculated in the 2003 study. The thoroughfare road fees are county-wide. They are collected by the County in the unincorporated area and by all the municipalities. The County was not interested in exploring geographic fee differentials or funding stand-alone multi-modal improvements. Three modifications were made to the previous methodology: (1) exclude municipal roads and collectors that do not provide regional connectivity; (2) calibrate travel demand to current observable traffic; and (3) provide a credit for outstanding road debt. A draft was prepared for staff review in 2016, but the project was put on indefinite hold due to the magnitude of the potential fee increases. The project came back to life when the County proposed a sales tax referendum to fund transportation improvements. Given the time that had elapsed since the original draft, the study was updated to incorporate the most current data, including current cost/revenue data as well as new trip generation data from the 2017 10<sup>th</sup> edition of the ITE manual. The project included an evaluation of the current impact fee system, which resulted in consultant recommendations for simplification of land use categories in the fee schedule, consolidation of the four benefit districts from four to two, and potential ordinance amendments relating to eligibility for developer credits. The update study was presented at numerous community meetings throughout the County. The recommended fees were adopted at 100% in March 2019.

Contact: Clay Ervin, Director  
Volusia County Growth & Resource Management  
123 West Indiana Ave., Room 200  
DeLand, Florida 32720  
(386) 822-5013 ext. 12000  
cervin@volusia.org

**Sarasota County, FL.** In 2016, Duncan Associates completed an update of Sarasota County’s impact fees for parks, library, fire, EMS, law enforcement, justice, and general government facilities. The most recent studies for these fees had been prepared by our firm in 2006 and 2007, so it had been about ten years since the last updates for these seven fees. The studies for transportation fees (mobility fees) and school fees were prepared by other consultants and were not part of our work for the County. Due to the recent recession, time limits for fee expenditures had become an issue. The County had gone through a period of scarce revenues (including impact fees) and had not been able to fund any but the most critical capital improvements. The mobility fee ordinance that had recently been adopted provided for refunds if the revenues were not expended within ten years, but for other fees it was five years. The study recommended that the time limit for expenditures be extended to seven years, with the possibility of an additional three-year extension. The County Commission adopted the recommendations in November 2016, and the updated fees went into effect in April 2017.

Contact: Tom Polk, Impact Fee Coordinator  
1001 Sarasota Center Boulevard  
Sarasota, Florida 34240  
(941) 650-78966613  
tpolk@scgov.net

**Lee County, FL.** Duncan Associates has been Lee County’s impact fee consultant since 1998. In 2001, Clancy Mullen served as an expert witness in the County’s successful legal defense of its new school impact fee. We were last retained in 2017 to update all the County’s fees, including roads, fire, EMS, community parks, regional parks and schools. Four separate reports were prepared, covering roads, schools, parks, and fire/EMS facilities. The County Commission adopted the updated fees as the new base rate. The adopted collection rate phases in the updated fees over four years, starting at 45% and increasing to 55% in 2022.

Contact: David Loveland, Director  
Lee County Community Development  
1500 Monroe St., 2nd Floor  
Fort Myers, FL 33901  
(239) 533-8509  
dloveland@leegov.com



## Tab 6. Pricing and Payment Terms

---

The fixed-fee costs for each task described in the scope of service total \$49,525, as shown in the following budget. The City would be billed monthly, based on the percentage completion of individual tasks.

<b>Task</b>	<b>Budget</b>
1: Project Organization	\$1,400
2: Staff Review Draft	\$26,250
3. Public Review Draft/Ordinance	\$10,500
4: Public Meetings (3)	\$5,250
5: Final Study/Ordinance	\$6,125
<b>Total Fixed Fee</b>	<b>\$49,525</b>

Additional meeting attendance would be billed at a flat rate of \$1,750 per meeting for remote attendance. If in-person meetings become possible during the course of the project, in-person attendance could be provided at a cost of \$3,750 per meeting. Other additional services could be provided on a time-and-expense basis or for a fixed-fee, as may be negotiated with the City. Duncan Associates' hourly rate is \$175.

## Required Forms

---

### **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 Belle Isle. 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 Belle Isle that Minority/Women- Owned Business Enterprises (MWBE) shall have the maximum opportunity to participate in all contracts. The City of Belle Isle will accept MWBE certifications from Orange County and any State of Florida certification.

Further, the City of Belle Isle 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: President, James Duncan and Associates, Inc., dba Duncan Associates

[Notary requirement waived per City Manager, 1/15/2021 email]

## **NON-DEBARMENT AFFIDAVIT**

Clancy Mullen, Being first duly sworn, deposes and says that:

He is President of the Proposer (“Respondent”) that has submitted the attached Proposal. By offering a submission to this RFP, the Respondent certifies and affirms that to the best of his/her knowledge and belief, that:

1. The Respondent 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 Respondent 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 Respondent 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 Respondent 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 Respondent will submit a revised Debarment Affidavit immediately if the status changes.

By: 

Print Name: Clancy Mullen

Title: President, Duncan Associates

Date: February 5, 2021

[Notary requirement waived per City Manager, 1/15/2021 email]

## DRUG-FREE WORKPLACE CERTIFICATION

Preference must be given to vendors submitting a certification with their bid/proposal certifying they have a drug-free workplace in accordance with Section 287.087, Florida Statutes. This requirement affects all public entities of the State and becomes effective January 1, 1991. The special condition is as follows:

IDENTICAL TIE BIDS - 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, 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 firm complies fully with the above requirements.

James Duncan and Associates, Inc, dba Duncan Associates  
COMPANY NAME



VENDOR'S SIGNATURE

**Must be executed and returned with attached proposal to be considered.**

## NON-COLLUSIVE AFFIDAVIT

Clancy Mullen, being first duly sworn deposes and says that:

- (1) He/she is the president (Owner, Partner, Officer, Representative or Agent) of James Duncan and Associates, Inc., 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.

By: 

Title: President

Company: James Duncan and Associates, Inc., dba Duncan Associates

[Notary requirement waived per City Manager, 1/15/2021 email]