



## **CITY COMMISSION STAFF REPORT**

**DEPARTMENT:** Community Development Department

**ORDINANCE NO. 21-20**

**SUBJECT:** AN ORDINANCE OF THE CITY OF COOPER CITY, FLORIDA, AMENDING CHAPTER 2 OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ADMINISTRATION," AMENDING ARTICLE X ENTITLED, "COOPER CITY PROCURMENT CODE," BY CREATING SECTION 2-269, TO BE ENTITLED "PUBLIC PRIVATE PARTNERSHIPS;" ESTABLISHING PROCEDURES FOR THE SUBMISSION AND CONSIDERATION OF UNSOLICITED PROPOSALS IN ACCORDANCE WITH SECTION 255.065, F.S.; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AN APPLICATION FEE; ESTABLISHING EVALUATION CRITERIA; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE. – **Community Development Department.**

**CITY MANAGER RECOMMENDATION:**

The City Manager recommends approval to establish this ordinance in concurrence with Florida State Statute to provide necessary guidelines when receiving an unsolicited proposals.

**BACKGROUND OF ITEM:**

An unsolicited proposal is a written proposal for a new or innovative idea submitted to a government agency for the purpose of obtaining a contract which and that is NOT in response to a Request for Proposals. This proposed ordinance will establish the process and procedures for private entities to submit an unsolicited proposal to the City of Cooper City. The ordinance will be in accordance with Florida State Statute 255.065 and will provide a framework to establish the purpose, conditions for use, proposal content requirements, the establishment of an application fee, process for Commission consideration and approval to proceed with proposal evaluation, public notice, establishing evaluation criteria and agreement requirements.

In 2013, CS/CS/HB 85 passed the legislature and this law standardized the Public/Private Partnership or P3 process and created a statutory framework that local governments must adhere to when receiving a P3 proposal. In standardizing the P3 process, the legislation preempted local governments from following their current P3 procurement procedures and eliminated the flexibility necessary to negotiate and contract with private entities in a manner that is most appropriate for a specific project. The flexibility to negotiate the terms of P3 contracts is paramount when considering the complexities of large-scale projects that often draw from various funding sources and may involve teams of developers, investors or contractors.

During the 2015 legislative session, HB 63 and CS/CS/CS/SB 824 was filed to implement provisions favorable to cities. The provisions included increasing flexibility in contracting for P3s by allowing

for the extension of contracting deadlines in certain situations as well as providing clear direction and authority to local governments and requiring unsolicited bids to be accompanied by a fee to cover the costs of proposal review.

<u>General Ledger Acct. Number</u>	<u>Budgeted Amount</u>	<u>Requested Amount</u>	<u>Remaining Amount</u>
TBD			

**ATTACHMENTS:**

1. Ordinance No. 21-20
2. Analysis of Surrounding Cities Fees for Unsolicited Proposals
3. Florida State Statutes 255.065 – Public Private