



**TOWN OF WINDERMERE**  
**REQUEST FOR QUALIFICATIONS**  
**RFQ: #2012-07 CODE ENFORCEMENT SPECIAL**  
**MAGISTRATE SERVICES**

**RESPONSES ARE DUE BY 5PM EST. DECEMBER 28, 2012**

**MAIL OR DELIVER RESPONSES TO:**

ATT: Robert Smith, Town Manager  
614 Main St.  
Windermere, FL 34786

**CONTACT:**

Robert Smith, Town Manager  
614 Main St.  
Windermere, FL 34786  
Phone: (407) 876-6480, Fax (407) 876-0103  
Email: [rsmith@town.windermere.fl.us](mailto:rsmith@town.windermere.fl.us)

# RFQ #2012-07 Code Enforcement Special Magistrate Services

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## **OVERVIEW**

The Town of Windermere intends to promote, protect, and improve the health, safety, and welfare of the citizens by appointing a Code Enforcement Special Magistrate with authority to impose administrative fines and other non-criminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing the codes and ordinances of the Town where a pending or repeated violation exists. The successful firm/individual will provide services on an as needed basis throughout the term of the agreement.

Those firms/individual interested in providing this service are instructed to submit three (3) bound copies, one (1) unbound original, and one (1) electronic copy (CD: PDF Format) of their qualifications pertinent to the scope of work prior to 5pm Eastern Standard Time, December 28, 2012 to the attention of Robert Smith, Town Manager 614 Main St. Windermere, FL 34786. Qualification documents received after this date and time will not be considered. The Town of Windermere reserves the right to reject any and all qualification documents received, to solicit new qualification documents, or take any other such actions that may be deemed to be in the best interest of the Town of Windermere. The Town of Windermere is an Equal Opportunity Employer. MBE/WBE/DBE businesses are encouraged to participate. The Town of Windermere strictly enforces open and fair competition.

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## **SUBMISSION REQUIREMENTS:**

Firms/individuals are invited to submit qualifications documents to the Town of Windermere RFQ #2012-07 Code Enforcement Special Magistrate Services.

Requirements for submission and selection criteria may be obtained from the Town of Windermere's web site at [www.town.windermere.fl.us](http://www.town.windermere.fl.us). All questions pertaining to this Request for Qualifications (RFQ) should be directed, in writing, to Robert Smith, Town Manager, PO Box 669 Windermere, FL 34786, by facsimile (407) 876-0103, or by email [rsmith@town.windermere.fl.us](mailto:rsmith@town.windermere.fl.us). Any addenda to this RFQ shall be made on the Town web site. It is the sole responsibility of those submitting an RFQ to check the web site for addendums. These questions are due by 5pm December 12, 2012. Final addenda will be posted by 5pm December 14, 2012.

Proposers must submit one (1) original response unbound marked "Original", three (3) bound copies marked "Copies", and one (1) electronic copy (CD; PDF Format) of the submittal in a sealed envelope clearly marked on the outside with the Proposers name and "RFQ 2012-07 Code Enforcement Special Magistrate Services" addressed and delivered to:

**Att: Robert Smith, Town Manager  
614 Main Street  
Windermere, FL 34786**

All qualifications must be received by Robert Smith before 5:00pm December 28, 2012. Any qualifications received after this date and time will be automatically rejected. Materials may be delivered by Certified Mail, Return Receipt, hand delivered or couriered. Faxed or emailed proposals will be automatically rejected. Hand delivered qualification documents may request a receipt. If sent by mail or courier, the above mentioned envelope shall be enclosed in another envelope addressed to the entity and address stated above. Proposers should be aware that certain "express mail" services will have to meet the required time frame of submittal or be deemed automatically rejected. It is the sole responsibility of the Proposer to ensure their proposal is received in a timely manner.

The Town of Windermere reserves the right to reject any and all proposals, to waive informalities in any or all qualification documents, to re-advertise for RFQ's, and to separately accept or reject any item or items and to negotiate contracts in the best interest of the Town of Windermere.

While every effort has been made to ensure the accuracy and completeness of the information in this RFQ we recognize that the information may not be complete in every detail and that all work may not be expressly mentioned in these specifications. It is the responsibility of the proposing company to include in their proposal all pertinent information in accordance with the objectives of the Town.

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## Calendar of Events

All times listed in the calendar of events is Eastern Daylight Time

|   |                       |
|---|-----------------------|
| Request for Qualifications Advertised         | November 26, 2012     |
| Technical Questions Due to the Town (written) | 5pm December 12, 2012 |
| Responses to Questions Due from the Town      | 5pm December 14, 2012 |
| Proposals Due to the Town                     | 5pm December 28, 2012 |
| Short List Presentations (if necessary)       | December-January      |
| Contract Negotiated with Town                 | December-January      |
| Council Approval of Qualified Vendor          | January               |

- The Town reserves the right to alter scheduled dates if necessary

## Instructions to Respondents

### Description

Town of Windermere is seeking qualified firms/individuals to provide Code Enforcement Special Magistrate Services

### Copies of Responding Documents

Only complete sets of Responding Documents will be issued and shall be used in preparing responses. The Town does not assume any responsibility for errors or misinterpretations resulting from the use of incomplete sets.

### Disqualification of Respondents

- A. **NON-COLLUSION AFFIDAVIT:** Any person submitting a response to this invitation must execute the enclosed NON-COLLUSION AFFIDAVIT. If it is discovered that collusion exists among the Responders the response of all participants in such collusion shall be rejected, and no participants will be considered in future responses for the same work
- B. **PUBLIC ENTITY CRIME:** 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 response/bid on a contract to provide any goods or services to a public entity submit response/bids on leases 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 section 287.017, Florida Statutes, for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.
- C. **DRUG-FREE WORKPLACE FORM:** Any person submitting a response or qualification documents in response to this invitation must execute the enclosed DRUG-FREE WORKPLACE FORM and submit it with the response. Failure to complete this form in every detail and submit it with your response will result in immediate disqualification of your response.
- D. **CONFLICT OF INTEREST:** Any Respondent who is deemed to have a conflict of interest prohibited by Chapter 112, Florida Statutes, shall be disqualified.

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- E. **PROHIBITED COMMUNICATION:** Any form of communication, except for written correspondence authorized herein, shall be prohibited regarding this particular request for qualifications, or any other competitive solicitation between:
1. Any person or person's representative seeking an award from such competitive solicitation; and
  2. Any Town Council Member or any Town staff authorized to act on behalf of the Council to award a particular contract (Selection Committee Member, etc)

For the purpose of this section, a person's representative shall include but not limited to, the person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the person.

This prohibition on communication shall be in effect as of the publication of the bid advertisement. The provisions of this section shall not apply to oral communications at any public proceeding, oral presentations before selection committees, contract negotiations, presentations made to the Council if requested, and protest hearings.

The provisions of this section shall terminate at time of award of grant writing services, rejects all bids, or otherwise takes action which ends the solicitation process.

### **EXAMINATION OF RFQ DOCUMENTS**

Each Respondent shall carefully examine the RFQ and other contract documents, and inform him or herself thoroughly regarding any and all conditions and requirements that may in any manner affect cost, progress, or performance of the work to be performed under the contract. Ignorance on the part of the Respondent in no way relieves the Respondent of the obligations and responsibilities assumed under the contract.

Should a Respondent find discrepancies or ambiguities in, or omissions from, the specifications, or be in doubt as to their meaning, Respondent shall notify the Town Manager in writing prior to the Response Question Due Date.

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## **INTERPRETATIONS, CLARIFICATIONS, AND ADDENDA**

No oral interpretations will be made to any potential Respondent as to the meaning of the contract documents. Any inquiry or request for interpretation received on or before 5pm December 12, 2012 will be given consideration. Any changes or interruption will be made in writing in the form of an addendum and, if used, will be posted on the Town Web Site [www.town.windermere.fl.us](http://www.town.windermere.fl.us). Each respondent shall acknowledge receipt of any addenda in their proposal. If the acknowledgement is not included, the response to the RFQ will constitute acknowledgment. It is the responsibility of all Respondents to verify all addenda prior to submitting a response to the RFQ.

## **GOVERNING LAWS AND REGULATIONS**

The Respondent is required to be familiar with and shall be responsible for complying with all Federal, State, and Local laws, ordinances, rules, and regulations that in any manner affect the work for services rendered.

## **SIGNATURE OF RESPONDENT**

The Respondent must sign the response forms in the space provided for the signature. If the Respondent is a professional association or other business entity, the title of the officer signing the response on behalf of the entity must be stated and evidence of the officer's authority to sign the response must be submitted. The Respondent shall state in the response the name and address of each person interested therein.

## **COST OF PROPOSAL**

The Town of Windermere assumes no responsibility or liability for the costs incurred by the submitting firm to prepare and/or submit a proposal. The entire cost of preparing and submitting qualification documents, or any work in connection therewith will be borne by the submitting firm or team of firms.

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## Scope of Services

### PROJECT SCOPE

**Services will include the following to the extent approved by the Town Council and/or Town Manager**

The scope of work to be performed by the awarded firm/individual may consist of, but not be limited to the following:

- The special magistrate shall conduct hearings relating to the enforcement and violation of the business tax receipt, fire, building, zoning, sign and other related codes in force in the Town of Windermere. It is not the function of the special magistrate to initiate enforcement proceedings or to inspect for code violations.
- The special magistrate shall sit as an impartial hearing officer to determine, based on evidence presented during the hearing, if a violation exists.
- The special magistrate shall serve at the pleasure of the town council, and shall not be deemed a town employee.
- The special magistrate will review and understand all relevant codes, ordinances, and Florida Statutes relative to the service provided.
- The town shall provide such clerical, administrative personnel and legal services deemed reasonably necessary to support the special magistrate's activities and assist in the proper performance of duties. The special magistrate shall not be authorized to engage, hire, or use any person, except those provided by the town to assist in the performance of duties.
- The special magistrate shall have the jurisdiction and authority to affirm or modify penalties imposed by the town's code enforcement board whose jurisdiction was repealed the date Ordinance No. 2012-11 was adopted.
- The special magistrate has the jurisdiction and authority to determine the amount of reasonable expenses incurred by the town as a result of orders issued pursuant to the authority granted.
- The jurisdiction of the special magistrate is not exclusive. An alleged violation of a code provision may be pursued by appropriate remedy in court at the option of the town and nothing shall prevent the town from taking such other lawful action, including but not limited to resorting to equitable action, as is necessary to enforce the provisions of respective town codes or ordinances



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- All hearings before the special magistrate shall be conducted so as to ensure fundamental due process.
- The special magistrate shall take testimony from any witness having knowledge concerning a hearing on a case. All testimony shall be under oath. The special magistrate shall have the power to administer an oath to any witness.
- As soon as practicable after the conclusion of the hearing, the special magistrate shall issue findings of fact based on evidence of record, and conclusions of law, and shall issue an order affording the proper relief consistent with powers granted within Town code and consistent with chapter 162 of the Florida Statutes no later than 5 days after the hearing.
- The special magistrate shall be bound by the interpretations and decisions of duly authorized boards of the town concerning the provisions of the codes, ordinances and regulations within their respective jurisdictions.
- All other relevant assignments relating to code enforcement special magistrate services, as requested

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## **Qualification/Experience requirements:**

The Respondent must submit qualification/experience.

### **Respondents must demonstrate the following:**

- The special magistrate shall be a member of the Florida Bar who possesses an outstanding reputation for civic pride, interest, responsibility, and business or professional ability. The appointment shall be made by the town council on the basis of experience or interest in the fields of zoning, building control and code enforcement.
- Member of a code enforcement board or acted in the capacity of a special magistrate for a minimum of 3 (three) years.
- Respondent must have good writing and presentation skills
- Experience with municipalities of similar size as Windermere
- Preference will be placed on firms/individuals based out of Orange County, Florida.

### **Records**

Respondent shall be required to maintain records in accordance with local, State, and Federal Public Records Retention Requirements.

**FEES FOR SERVICES**

**Price**

Respondent must submit hourly rates for Code Enforcement Special Magistrate Services. Hearing frequency is determined on complaints. Currently hearings are scheduled on a monthly as needed basis. Review of complaint, research, attendance at hearing, should be considered in hourly rate.

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## EVALUATION/PROPOSAL FORMAT

Qualification documents will be evaluated on the basis of Scope of Services listed.

Proposals will be evaluated based on the information provided in the response. For qualification documents to be eligible, the format must be strictly followed. All qualification documents should be type written, bound 8 1/2 x 11 format, and should be properly identified by name of respondent and marked with "RFQ 2012-07 Code Enforcement Special Magistrate Services" to facilitate effective evaluation by the Town, qualification documents shall be limited to 25 pages. MBE/WBE/DBE certificate(s), other appendix documentation, sectional dividers, and front and back covers will not be counted towards the total. A letter of interest or executive summary, not to exceed three (3) additional pages, may also be included in the proposal. Qualification documents that exceed this length will be considered non responsive and will not be evaluated. During this RFQ process, any intentional omissions, alterations, or false representations will be grounds for rejection of any proposal.

Proposals must include the following tabbed sections:

1. Company or Personal Background
2. Experience
3. References
4. Service approach
5. Cost proposal
6. Required Forms
  - a. Response Cover
  - b. Hold Harmless Agreement
  - c. Certificate of Insurance
  - d. Non Collusion Affidavit
  - e. Drug Free Workplace Form

## **Indemnification and Insurance**

### **Indemnification and Hold Harmless**

The Respondent agrees to indemnify and hold the Town harmless for any and all claims, liability, losses and causes of action which may arise out of its fulfillment of the contract awarded pursuant to this RFQ. It agrees to pay all claims and losses, including related court costs and reasonable attorneys' fees, and shall defend all suits filed due to the negligent acts, error or omissions or Respondent employees and/or agents

In the event the completion of a project awarded pursuant to this RFQ (to include the work of others) is delayed or suspended as a result of the Respondent's failure to purchase or maintain the required insurance, the Respondent shall indemnify the Town from any and all increased expenses resulting from such delay.

### **Insurance Requirements**

Respondent must provide a certificate of insurance with their response.

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RESPONSE TO:

**RFQ 2012-07 Code Enforcement Special Magistrate Services  
ROBERT SMITH, TOWN MANAGER  
614 MAIN ST. WINDERMERE, FL 34786**

I acknowledge receipt of any/all Addenda: \_\_\_\_\_

I have included:

- Hold Harmless Agreement
- Certificate of Insurance
- Non Collusion Affidavit
- Drug Free Workplace Form

Mailing Address:

\_\_\_\_\_ TELEPHONE \_\_\_\_\_

\_\_\_\_\_ FAX: \_\_\_\_\_

\_\_\_\_\_ DATE \_\_\_\_\_

BY signing and submitting this proposal, I am certifying that (a) I am a citizen of the United States; (b) I am not a member or an employee of any taxing authority; and (c) I do not represent any property owner in an administrative or judicial review of property tax issues.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Witness

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

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (name of person making statement).

\_\_\_\_\_  
Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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## HOLD HARMLESS AGREEMENT

I \_\_\_\_\_ (Respondent) agrees to indemnify and hold the Town harmless for any and all claims, liability, losses and causes of action which may arise out of its fulfillment of the contract awarded pursuant to this RFQ. It agrees to pay all claims and losses, including related court costs and reasonable attorneys' fees, and shall defend all suits filed due to the negligent acts, error or omissions of Respondent or employees and/or agents of Respondent.

In the event the completion of a project awarded pursuant to this RFQ (to include the work of others) is delayed or suspended as a result of the Respondent's failure to purchase or maintain the required insurance, the Respondent shall indemnify the Town from any and all increased expenses resulting from such delay.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Witness

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

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (name of person making statement).

\_\_\_\_\_  
Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires \_\_\_\_\_

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## NON-COLLUSION AFFIDAVIT

I \_\_\_\_\_ (Respondent) of the firm of \_\_\_\_\_ (Respondent Firm Name) responded to the notice for calling for qualification for On Call Land Planning Services for the Town of Windermere. This proposal has been executed with full authority to do so. This response has been arrived at independently without collusion, consultation, communication or agreement for the purposes of restricting competition, as to any matter relating to qualifications or responses of any other responder or with any competitor, and no attempt has been made or will be made by the Responder to induce any other person, partnership or corporation to submit, or not to submit, a response for the purpose of restricting competition;

The Statements contained within this affidavit are true and correct, and made with full knowledge that the Town of Windermere relies upon the truth of the statements contained in this affidavit in awarding contracts for said services.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Witness

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

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by (name of person making statement).

\_\_\_\_\_  
Notary Public

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

My Commission Expires \_\_\_\_\_



**DRUG FREE WORKPLACE CERTIFICATION**

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 an employee 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, available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees from drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under this solicitation a copy of the statement specified in subsection (1) above.
4. In the statement specified in subsection (1), notify the employees that, as a condition of working in the commodities or contractual services that are under this solicitation, the employee will abide by the terms of the statement and will notify the employee 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 work place 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.

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Witness