

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

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QUALIFICATIONS STATEMENTS**



**PROFESSIONAL LEGAL
SERVICES**

**CITY OF BONITA SPRINGS
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QUALIFICATIONS STATEMENTS**

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QUALIFICATIONS STATEMENTS**

TABLE OF CONTENTS

Section I	Introductory Information Purpose City Background and Demographics Terminology Proposal Development Costs Withdrawal of LIQ and Fee Proposal Project Coordinator Contract Prohibition Receipt of LIQs LIQ Forms
Section II	RFLIQ Schedule
Section III	Terms and Conditions General Scope of Work and Conditions Insurance Requirements Contract Award/Term of Contract Minority & Women Owned Business Enterprise Regulations Cancellation Fiscal Non-Funding Clause Amendment Assignment Liability of Firm Equal Employment Opportunity Clause Discrimination
Section IV	LIQ Format Title Page and Table of Contents Identification of Principal & Secondary Representatives Qualifications Reserved Rights Work Load Conflicts of Interest Drug Free Workplace Registration Requirements

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

Public Entity Crimes Statement

- Section V** Scope of Professional Services
Meeting Attendance
General Duties
Court
Assistance to staff
Assistance to others
Public Records
Legal Research/Legal Advice
Billing Requirements
Payment Method
- Section VI** Evaluation Criteria
Title Page; Table of Contents; Letter of Interest
and Qualifications Statements
LIQ Submittal Requirements
Award Criteria
- Section VII** LIQ Signature & Required Forms
LIQ Acknowledgement
Drug Free Workplace
Public Entity Crime Information
Non-Collusive Affidavit
Statement of Organization
E Verify Affirmation Statement
Others as required

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

SECTION I – INTRODUCTORY INFORMATION

PURPOSE

The City of Bonita Springs (“City”) invites Letters of Interest and Qualifications Statements (“LIQs”) from experienced and qualified law firms to provide a full range of municipal legal services serving as the City’s legal counsel (“City Attorney”) on a contractual basis.

CITY BACKGROUND AND DEMOGRAPHICS

HISTORY

Bonita Springs, often referred to as the “Gateway to the Gulf,” is a charming city proud of its history. Once deemed the town of Survey, it was renamed Bonita Springs for a mineral spring on the Shangri La Hotel property on Old 41 Road. The arrival of developer Barron Collier’s Tamiami Trail (U.S. 41) and the railroad brought a new wave of prosperity to the town in 1927.

Bonita Springs incorporated for the first time in 1925. During the early years of the city, Florida was in the midst of a land boom. Tamiami Trail connected Tampa to Miami via Fort Myers and Naples, running through the middle of Bonita Springs on Heitman Avenue, now known as Old 41. After the Depression, Bonita Springs became a popular tourist destination due to the climate, the good fishing, hunting, and friendly people. During the 1930’s, 40’s, and 50’s, Bonita Springs was like many small American towns with the added delights of that Southern Florida charm. The first incorporation only lasted until 1934.

In 1999, Bonita Springs incorporated for the second time, bringing about a city full of small town charm combined with the elegance of upscale communities and businesses. Bonita Springs has captured the feeling of yesterday while allowing its residents to enjoy the luxuries of today, blending together magnificent communities with beautiful down home neighborhoods, where neighbors enjoy the uncomplicated lifestyle of Southwest Florida, while sticking to the values and ambience of a small town.

ABOUT US

Bonita Springs has something for everyone. The City has charm, history, and beauty. It’s the unique destination for every age and is filled with an enchantment worth celebrating.

Bonita Springs is also known for a collaborative business environment in which elected officials and business community leaders work together to foster sustainable economic growth and prosperity. With a large proportion of the business community being made up of small business owners, the Bonita Springs Area Chamber of Commerce serves as the community hub for tourism

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

information and business development activities. When visitors take into account the affordable housing market, state of the art schools and medical services combined with low crime rates, there really isn't a more compelling location for families. Bonita has a population of 50,200.

THE GOVERNMENT

The City of Bonita Springs provides services including Community Development, Public Works, Neighborhood Services, and Parks and Recreation. However, fire/emergency services and water/sewer systems are independent of the City and the City Manager. Community policing is provided by contract and managed by the Lee County Sheriff's Office.

The form of government established under the City Charter is a City-Manager form with the body known as the City Council consisting of a Mayor and six City Council members. The Mayor is elected at large and Council members are elected by district and serve staggered, four-year terms.

The City staff consists of 55 full-time and 10 part-time employees. The City Manager also provides oversight to the contractual relationship of the Community Development Department. The department directors and staff are very capable and work well together.

FINANCIAL SUMMARY 2017-2018 BUDGET

Total Budgeted Revenues for all funds is \$26.5 million with 29.5% coming from Ad Valorem Taxes. The City's Taxable Property Value for 2017 is \$9.99 billion and the millage rate is 0.8173 per \$1,000; \$4.5 million of the total revenue budget is restricted for road maintenance and capital costs, and parks capital.

Total Budgeted Expenditures for all funds is \$32.4 million consisting of the following: General fund \$18.7 million; Special Revenue funds \$3.2; Debt Service funds \$3.6 million; and Capital Projects \$6.9 million.

Additional demographic information is available from the Comprehensive Annual Financial Report (CAFR) and Budget documents. They are available at <http://www.cityofbonitasprings.org/category/city-documents-financial/>.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

TERMINOLOGY

The requirements contained herein apply to all responses made to the City by all law firms. The words “City Attorney”; “Attorney”; and “firm” that denote respondents to this Request For Letters of Interest and Qualifications Statements (“RFLIQ”) are considered interchangeable.

PROPOSAL DEVELOPMENT COSTS

The City shall not be liable for any expense incurred in connection with preparation of a response to this RFLIQ. Law firms shall prepare an LIQ with the understanding that no claim for reimbursement shall be submitted for the expense of preparation and/or oral or written presentation(s). Firms should prepare a straightforward and concise description of the firm’s ability to meet the requirements of this RFLIQ.

WITHDRAWAL OF LIQ AND FEE PROPOSAL

Qualified firms invited to make a fee proposal to the City may not withdraw their fee proposal (and related LIQ) for a period of ninety (90) days from the fee proposal opening date.

PROJECT COORDINATOR

The project coordinator and designated liaison for the City Attorney - Professional Legal Services RFLIQ is:

Ms. Meg Weiss	Phone (239) 949-6262
Director of Administrative Services	
9101 Bonita Beach Rd.	Fax (239) 949-6255
Bonita Springs, FL 34135	Email:
	meg.weiss@cityofbonitasprings.org

The City will not respond to oral inquiries. Firms may submit written (e-mailed or faxed) inquiries regarding this RFLIQ to the project coordinator. The City will record its responses to inquiries and any supplemental instructions in the form of written addenda. All written addenda will be issued through the City’s website at <https://www.ebidexchange.com/Default.aspx?cid=3a35bda9-b7bb-4bd8-8456-b4137e712280&uid=00000000-0000-0000-0000-000000000000>. It shall be the responsibility of the firm, prior to submitting its LIQ, to determine if addenda were issued, acknowledging same, and incorporating them into its LIQ.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

CONTACT PROHIBITION

All prospective firms are hereby instructed NOT to contact any member of the City Council, City Boards (defined below), Recommendation Committee (defined below), City Manager, City Clerk, City Attorney or other City staff member other than the Project Coordinator identified in this RFLIQ, regarding this solicitation package. Any such contact shall be cause for rejection of a firm's LIQ.

Contact by attorneys/firms under existing contracts is limited to the extent such contacts are required to provide services required by that existing contract.

RECEIPT OF LIQs

This RFLIQ package and any addendums may be obtained at <https://www.ebidexchange.com/Default.aspx?cid=3a35bda9-b7bb-4bd8-8456-b4137e712280&uid=00000000-0000-0000-0000-000000000000>.

The City will receive LIQs at the City Clerk's office, City of Bonita Springs, 9101 Bonita Beach Rd., Bonita Springs, FL 34135. LIQs may be delivered or mailed to City of Bonita Springs, 9101 Bonita Beach Rd., Bonita Springs, FL 34135, Attn: City Clerk.

All LIQs to be considered shall be received **on or before 2:00 p.m. local time on Friday, June 8, 2018** in a sealed envelope clearly marked with the firm's name and "**City Attorney - Professional Legal Services.**"

The complete responsibility for obtaining, completing, and submitting an LIQ to the City shall be solely and strictly the responsibility of the firm. LIQs received after the time and date stipulated shall be considered non-responsive and returned to the firm unopened.

Late LIQs and fee proposals will not be accepted. The City Clerk will be the official and final authority for determining late LIQs and fee proposals.

Firms invited to submit fee proposals may withdraw their fee proposals (and related LIQs) by notifying the City in writing at any time prior to the due date of the fee proposals. Fee proposals (and related LIQs) not so withdrawn shall, upon opening, constitute an irrevocable offer for a period of ninety (90) calendar days to provide the City the services set forth in these specifications until the City has executed a contract with a firm for the services contemplated by this RFLIQ. Fee proposals are exempt from inspection for a period of thirty days after opening or a Notice of Intent to Award is issued, whichever is earlier, pursuant to Florida Statutes §119.071.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

LIQ FORMS

All LIQs, and fee proposals from firms invited to submit such proposals, must be submitted with the required forms provided by the City and must be signed by an authorized representative of the firm submitting the LIQ or fee proposal. The firm shall submit **one (1) original** and **five (5) paper copies** of the LIQ and/or fee proposal, with a flash/jump drive containing one file in PDF format of the hard copy of the LIQ and/or fee proposal exactly as submitted.

SECTION II – RFLIQ SCHEDULE

TASKS	DATE
RELEASE RFLIQ	May 17, 2018
LAST DAY FOR ADDENDA QUESTIONS	May 25, 2018
ADDENDUMS (IF ANY) POSTED TO WEBSITE	June 1, 2018
LIQ OPENING 2:00 P.M. LOCAL TIME	June 8, 2018
MEETING 10:00 A.M. – RECOMMENDATION COMMITTEE	June 25, 2018
INTERVIEWS OF SELECTED QUALIFIED FIRMS	July 10 & 11, 2018
FEE PROPOSAL OPENING 2:00 P.M. LOCAL TIME	July 17, 2018
NEGOTIATION OF TERMS OF CONTRACT	TBD*
MEETING – CITY COUNCIL <i>(to consider possible selection of a firm and approval of a contract)</i>	TBD*

***To Be Determined**

ALL DATES SUBJECT TO CHANGE

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**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

SECTION III - TERMS AND CONDITIONS

GENERAL SCOPE OF WORK AND CONDITIONS

The City Attorney is the primary legal advisor to the City Council, City Boards and City staff. The City Attorney is appointed by and serves at the pleasure of the City Council. The activities of the City Attorney and his/her staff will be coordinated through the Office of the City Manager. As more fully described in Section V, the City Attorney provides legal counsel in drafting and implementing ordinances, resolutions and regulations; assists in the drafting and review of the City's Comprehensive Plan and any amendments thereof; renders opinions on legal issues affecting the City; and keeps the City Council, City Boards and City staff informed of new laws or judicial opinions that could affect the City in any way. The City Attorney attends all City Council meetings and workshops, Local Planning Agency meetings, Zoning Board meetings, Neighborhood Services meetings and Historic Preservation Board meetings. As necessary, the City Attorney attends other Board meetings of the City (collectively, "City Boards"), such as the Tree Advisory Board, Art in Public Places, Veterans Committee, Street Light Committee, Bicycle/Pedestrian Board, Technology Advisory Board and Outreach Committee. As necessary, the City Attorney may represent the City in court.

The selected firm may terminate its services to the City upon ninety (90) days' prior written notice to the City with or without cause. In such termination of services, the selected firm shall honor the Code of Professional Conduct of the Florida Bar. The City may also terminate the services from the selected firm with or without cause immediately upon written notice to the selected firm. Specific description(s) of the scope of services desired and the billing methods desired for those services are contained in Section V.

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**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

INSURANCE REQUIREMENTS

The firm shall procure and maintain the following described insurance on policies and with insurers acceptable to the City, and insurers with AM Best ratings of no less than A.

These insurance requirements shall in no way limit the liability of the firm. The City does not represent these minimum insurance requirements to be sufficient or adequate to protect the firm's interests or liabilities, but are merely minimums. Except for workers' compensation and professional liability, the firm's insurance policies shall be endorsed to name the City as additional insured. The firm's insurance shall be deemed primary and non-contributory with respect to any insurance or self-insurance carried by the City for liability arising out of the firm's contract with the City.

Except for workers' compensation, the firm waives its right of recovery against the City. The firm's deductibles/self-insured retentions shall be disclosed to the City and may be disapproved by the City. They shall be reduced or eliminated at the option of the City. The firm is responsible for the amount of any deductible or self-insured retention.

Insurance required of the firm or any other insurance of the firm shall be considered primary, and insurance of the City shall be considered excess, as may be applicable to claims which arise out of any Hold Harmless, Payment on Behalf of the City, Insurance, Certificates of Insurance and any Additional Insurance provisions of the firm's contract with the City.

Commercial General Liability: This insurance shall be an "occurrence" type policy written in comprehensive form and shall protect the firm and the additional insured against all claims arising from bodily injury, sickness, disease, or death of any person other than the firm's employees or damage to property of the City or others arising out of any act or omission of the firm or its agents, employees, or subcontractors.

The liability limits shall not be less than:

Bodily Injury and	\$1,000,000
Property Damage	Single limit each occurrence

Business Automobile Liability: Business Auto Liability coverage is to include bodily injury and property damage arising out of ownership, maintenance or use of any auto, including owned, non-owned and hired automobiles and employee non-ownership use.

The liability limits shall not be less than:

Bodily Injury and	\$300,000
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**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

Property Damage

Single limit each occurrence

Workers' Compensation: Workers' Compensation coverage to apply for all employees for statutory limits and shall include employer's liability with a limit of \$100,000 each accident, \$500,000 disease policy limits, \$100,000 disease limit each employee. ("All States" endorsement is required where applicable). The firm shall also purchase any other coverage required by law for the benefit of employees.

Excess Liability: This insurance shall protect the firm and the additional insured against all claims in excess of the limits provided under the employer's liability, commercial automobile liability, and commercial general liability policies. The policy shall be an "occurrence" type policy, and shall follow the form of the General and Automobile Liability.

The liability limits shall not be less than: \$1,000,000.

Professional Liability/Malpractice/Errors or Omissions Insurance: The firm shall carry professional malpractice insurance throughout the term of the contract and shall maintain such coverage for an extended period of three (3) years after completion and acceptance of any work performed under the contract. At all times throughout the period of required coverage, said coverage shall insure all claims accruing from the first date of the contract through the expiration date of the last policy period. In the event that firm shall fail to secure and maintain such coverage, firm shall be deemed the insurer of such professional malpractice and shall be responsible for all damages suffered by the City as a result thereof, including attorney's fees and costs.

The liability limits shall not be less than: \$2,000,000.

Evidence/Certificates of Insurance

Required insurance shall be documented in Certificates of Insurance which provide that the City shall be notified at least 30 days in advance of cancellation, nonrenewal, or adverse change.

New Certificates of Insurance shall be provided to the City at least 15 days prior to coverage renewals.

If requested by the City, the firm shall furnish complete copies of the firm's insurance forms and endorsements.

For Commercial General Liability coverage, the firm shall, at the option of the City, provide an indication of the amounts of claims payments or reserves chargeable to the aggregate amount of liability coverage.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

Receipt of certificates or other documentation of insurance or policies or copies of policies by the City, or by any of its representatives, which indicate less coverage than required does not constitute a waiver of the firm's obligation to fulfill the insurance requirements.

CONTRACT AWARD/TERM OF CONTRACT

The City reserves the right to award one (1) contract to the most qualified firm as determined by the City Council or to not award a contract to any firm, as determined in the sole discretion of the City Council. The term of the contract would commence upon signing, or as otherwise provided in the contract. The contract would be subject to negotiation and would require approval by the City Council. Each firm understands that this RFLIQ does not constitute an agreement or a contract with the firm. An LIQ and fee proposal is not binding until the LIQ and fee proposal are reviewed, accepted, and a contract is executed by the firm and the City.

MINORITY AND WOMEN OWNED BUSINESS ENTERPRISE (M/WBE)

M/WBEs are encouraged to participate in the RFLIQ process. All M/WBEs shall be certified as a Minority Business Enterprise by the State of Florida, Department of Management Services, Office of Supplier Diversity pursuant to Section 287.0943, Florida Statutes, or by statewide and interlocal agreement certification, as provided for by Section 287.09431, Florida Statutes. A State of Florida MBE Certificate or interlocal agreement from an agency having an interlocal agreement with the State of Florida must accompany the RFLIQ submission. The M/WBE only applies to the primary law firm.

REGULATIONS

Violation of any local, state or federal law in the performance of services by a firm shall constitute a material breach of the contract for services between the firm and the City.

CANCELLATION

The City Council shall have the right to unilaterally and immediately cancel, terminate, or suspend a contract, in whole or in part, with or without cause, by providing written notice to the firm.

FISCAL NON-FUNDING CLAUSE

In the event sufficient funds are not budgeted for a new fiscal period, the City shall notify the firm of such occurrence and the contract shall terminate on the last day of the current fiscal year without penalty or expense to the City.

AMENDMENT

The firm understands and agrees that the contract will constitute the sole and complete understanding between the parties and supersede all agreements between them, whether oral or written with respect to the subject matter. No

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

amendment, change, or addendum to a contract is enforceable unless agreed to in writing by both parties and incorporated into the contract.

ASSIGNMENT

The firm shall not assign any interest in the contract and shall not transfer any interest in same (whether by assignment or novation) without prior written consent of the City Council, except that claims for the money due or to become due the firm from the City under the contract may be assigned to a financial institution or to a trustee in bankruptcy without such approval from the City. Notice of such transfer or assignment due to bankruptcy shall be promptly given to the City.

LIABILITY OF FIRM

The firm shall indemnify and hold harmless the City, members of City Council, members of City Boards, members of the Recommendation Committee, City officers and employees from all liabilities, damages, losses and costs (including, but not limited to, reasonable attorneys' fees and court costs, whether such fees and costs are incurred in negotiations, at the trial level or on appeal, or in the collection of attorneys' fees), to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the firm's officers, employees, agents, or other persons employed or utilized by the firm in the performance of, or the failure to perform, the contract.

In the event of a claim, the City shall promptly notify the firm in writing at the address provided for receipt of notices in the contract. The City shall provide information and assistance that the firm may reasonably require regarding any claim. This agreement for indemnification shall survive termination or completion of the contract.

Nothing in the contract shall be deemed to affect the rights, privileges and immunities of the City as set forth in Florida Statute § 768.28.

EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

The City, in accordance with the provisions of Title VII of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all firms that it will ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit LIQs in response to this advertisement and will not be discriminated against on the ground of race, color or national origin in consideration for an award.

DISCRIMINATION

Pursuant to Subsection 287.134(2)(a), F.S., "an entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.”

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**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

SECTION IV LIQ FORMAT

LIQs shall be submitted accompanied by pertinent information relating to the law firm's experience, qualifications, personnel, availability and capability to provide and perform all of the professional services necessary in a complete, effective and timely manner. In addition to the information and documents requested above, each LIQ shall include:

1. Title Page and Table of Contents

List the RFLIQ subject, the name of the firm, address, telephone number, facsimile, email address, contact person and date. Include a clear identification of the material included in submittal by page number.

2. Identification of Principal and Secondary Representatives

Provide the names of the persons who will provide the primary professional legal services to the City (as City Attorney) and those who will act in a backup capacity (as Assistant City Attorney(s)). Identify any known schedule conflicts in which the backup attorney will be required to provide regularly scheduled services due to the ongoing unavailability of the primary City Attorney.

Provide current resumes of the primary attorney (i.e. City Attorney) and backup(s) (i.e. Assistant City Attorney(s)) who will assume the responsibility under the contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating the LIQ (board certifications; experience in advising entities on Florida Sunshine and public records law, legislative and quasi-judicial bodies; Alternative Dispute Resolution (ADR) training, experience and success record of advocacy in mediation and arbitrations; litigation experience and track record, municipal or other public sector experience or any other relevant experience and training).

Provide at least three (3) firm contact names, title of person, address, phone number and e-mail address.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

3. Qualifications

The primary designated attorney will have at least ten (10) years' experience in the practice of Florida municipal law or related experience. The attorneys other than the primary designated attorney must have a minimum of five (5) years' experience practicing law and representing municipal governments or other related experience. The firm must be licensed with the State of Florida and be in good standing with the Florida Bar Association. Professional legal services shall be provided on a contractual fee-for-services basis (i.e., a combination of retainers and hourly rates).

4. Reserved Rights

The City reserves the right to accept or reject any/or all submissions, to accept all or any part of the submission, to waive irregularities and technicalities, and to request resubmission, if it is deemed in the best interest of the City.

The City, in its sole discretion, may expand the scope of work to include additional requirements. The City reserves the right to investigate, as it deems necessary, to determine the ability of any firm to perform the work or services requested. Upon request, the firm shall provide information the City deems necessary in order to make a determination.

The City, in its sole discretion, may retain other attorneys and/or legal firms for tasks if it determines such arrangements are in its best interest. A list of services for which outside attorneys are currently utilized is shown in Section V – Scope of Professional Services.

The City reserves the right to negotiate the fee proposal, terms and conditions in the contract.

5. Work Load

List any schedule commitments on the part of the primary or backup designees (e.g. meeting requirements of other municipalities or government entities represented by the firm) that may conflict with the meeting schedule of the City.

6. Conflicts of interest

Identify any potential conflicts of interest that the firm might incur while rendering services to the City, including potential conflicts with other clients or with positions taken by the firm.

7. Drug Free Workplace

The City is a Drug Free Workplace. It is strongly suggested that the attached Drug Free Workplace Form be signed and returned with the LIQ if a Drug Free Workplace program is in place.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

8. Public Entity Crimes Statement

Pursuant to Subsections 287.133(2) and (3), F.S., “a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s. 287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list.”

Firms are advised, and should take into account in the preparation of their LIQ, that the evaluation of the firm's qualifications shall include, but is not limited to, consideration of the firm's experience in municipal law and experience, availability, capabilities, proposed retainer and hourly billing rate of the primary legal advisor to the City. In addition, the City will take into account the experience, availability, capabilities, proposed retainer and hourly billing rates of the backup legal advisor(s) and support personnel to the City in the event that the primary legal advisor is unable to represent the City at any given meeting or on any given matter.

All LIQs will be screened to ensure that all qualifications and requirements of the RFLIQ are met, although the City may, in its sole discretion, waive a firm's failure to meet any qualifications or requirements.

The Recommendation Committee and the City Council may conduct oral question and answer (Q&A) discussions with firms as deemed necessary, regarding their qualifications, experience, references and approach in providing the City's legal services.

In order for an LIQ to be evaluated and considered, all requested information must be submitted with the LIQ. Incomplete LIQs may be subject to disqualification.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

SECTION V - SCOPE OF PROFESSIONAL SERVICES

1. Meeting Attendance

Attendance at all City Council workshops and all meetings of the City Council, Local Planning Agency, Zoning Board, Neighborhood Services and Historic Preservation Board.

The regular meeting schedules are as follows:

<u>Organization</u>	<u>Time</u>	<u>Dates</u>
City Council	5:30 PM	First Wednesday
City Council/Zoning	9:00 AM	Third Monday
City Council	9:00 AM	Third Wednesday
Planning Agency	9:00 AM	Second Thursday
Zoning Board	9:00 AM	Third Tuesday
Neighborhood Services	1:00 PM	On call (Special Magistrate)
Historic Preservation	5:30 PM	Last Thursday

Meeting times are correct as of May 2018. The respective Boards may change the meeting time(s). Meetings scheduled near holidays may be cancelled. The number of cancelled meetings may vary by year.

The City Attorney will:

(a) represent the City Council and other City Boards (defined below); (b) review agendas and documents to be discussed at meetings of the City Council and other City Boards; (c) provide appropriate legal advice and/or written opinions, as necessary; and (d) provide parliamentary guidance concerning the conduct of each of the meetings of the City Council and City Boards. This representation will include regular and prompt availability by telephone, and in person as necessary, for all questions of Council members, City Board members and City staff. The City Attorney will provide a regular primer to City Council and other City Boards on the City's charter, Roberts Rules of Order and other relevant administrative procedures. The City Attorney will be required to attend all City Council workshops and all meetings of the City Council, Local Planning Agency, Zoning Board, Neighborhood Services and Historic Preservation Board. As necessary, the City Attorney will be required to attend meetings of the City Boards, and to provide the other services described above to such Boards.

The City Attorney will attend City committee meetings and other meetings as requested by the City Council or the City Manager when items under consideration warrant legal input.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

2. General Duties

The City Attorney will:

(a) draft and/or review ordinances, regulations, charter amendments, resolutions, bid/procurement documents, leases, franchise agreements, construction documents, contracts, deeds, subdivision plats, infrastructure sureties, tax deed notices, minimum use determinations, applications for vacations, lot splits and easement encroachments, hold harmless agreements, interlocal agreements, permits and related documents, bonds, correspondence, position statements and other documents of legal significance; (b) provide form documents to be used by City staff for routine contracts, bids and other legal matters; (c) provide legal advice and written opinions to members of City Council, members of City Boards and City staff on matters related to their official duties; (d) represent the City on claims made by or against the City including, but not limited to, code violations, collection matters, foreclosures, forfeitures, regulatory matters, land use and development matters; (e) oversee compliance with Open Records law, Sunshine law and related laws; (f) prepare an annual legal budget; and (g) provide legal consultation on City insurance matters. The Florida League of Cities Municipal Insurance Trust (FMIT) currently provides the City's automobile liability and general liability insurance coverage. As such, insurance matters are generally coordinated by the City Manager or designee with legal representation provided by FMIT selected attorneys for those cases covered under this policy. In addition, the City may retain or has retained outside counsel for the following:

- Theriaque & Spain advises City staff on land use applications; the City Attorney will advise City Council on land use applications
- Theriaque & Spain advises City Council selectively on policy-driven changes to the City's Comprehensive Plan and Land Development/Use Code
- Bryant Miller Olive and Nabors, Giblin & Nickerson, P.A. as bond counsel
- Messer Caparello, P.A. for elections law
- Smolker Bartlett Loeb Hinds & Thompson, P.A. for eminent domain and condemnation matters
- GrayRobinson, P.A. for utilities issues
- Johnson, Anselmo, Murdoch, Burke, Piper & Hochman, P.A. for insurance matters
- Other matters as determined by City Council

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

3. Court

Unless otherwise determined by City Council, the City Attorney shall prosecute and defend the City on civil and administrative complaints, suits, controversies or proceedings in which the City is a party, including Neighborhood Services hearings, appeals and related proceedings. This representation will include any appeals on behalf of the City, as well as any settlement negotiations, mediation, arbitration or dispute resolution proceedings or activities. Specifically, the City Attorney is responsible for prosecuting and defending the City in a civil or administrative action when no counsel is provided by liability insurance or when the City's exposure exceeds its insurance coverage. The City Attorney may also represent an employee, elected official or appointed official who is individually named in a suit as a result of the execution of official duties with the City. When the City's insurance coverage is activated on a given matter and the City's liability insurance carrier selects outside counsel, or the City decides to hire other outside counsel on a legal matter, the City Attorney shall monitor and cooperate as necessary with such counsel to ensure that the matter is dealt with in an expedient and professional manner.

4. Assistance to Staff

The City Attorney will provide the City staff with assistance and legal counsel relating to the acquisition or sale of real property and in the review or preparation of deeds, easements, title searches and related documents. Such requests must be coordinated through the Office of the City Manager.

5. Assistance to Others

As requested by members of City Council, City Boards or City staff, the City Attorney will review situations in which laws, regulations or rules can reasonably be construed to impact the City's interests. Such requests must be coordinated through the Office of the City Manager. The City Attorney will provide regular updates to City Council, City Boards and City staff on applicable federal and Florida law, as well as regular updates on best legal practices for Florida cities.

6. Public Records

The City Attorney will maintain files per the City's Records Management requirements, and provide the City Clerk copies of all pertinent pleadings and orders in all litigation that the City Attorney is handling. The City Attorney will regularly provide a concise update to City Council on litigations and special projects.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

7. Legal Research/Legal Advice

The City Attorney will perform other legal research and provide legal advice as requested by the City Council, City Boards or City staff. Such requests must be coordinated through the Office of the City Manager.

8. Billing Requirements

Each bill for services and costs should be submitted directly to the City Manager's office in a form that includes, at a minimum, the following information by billable increment (i.e., tenths of an hour):

Date of Service	Description of Service Specifying City Department, Board, Case or Issue	Name of Person Requesting Work	Person Who Performed Service	Time Spent x Hourly Rate = Cost
-----------------	---	--------------------------------	------------------------------	---------------------------------

Different services performed on the same day (e.g., research, drafting, meetings, etc.), will be listed separately.

The description of services should permit the City to perform a meaningful analysis of the services provided. For example, "legal research" or "telephone conference" is not an acceptable description of services. The subject matter of a telephone call and its participants or the research performed and the purpose thereof must be specified.

The format for billings shown above is required for hourly billings, as well as retainer billings so that the City can compare hourly billings towards the retainer to the amount of the retainer.

Details regarding the authorization of work and billing of reimbursable expenses will be addressed in the contract. In general, travel, vehicle expenses or meals in connection with routine services are **not** reimbursable.

9. Payment Method

The firm will be required to accept the payment method (e.g. credit card/e-payables or other) selected by the City. This will be addressed in the contract.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

SECTION VI - EVALUATION CRITERIA

The following criteria will be used for evaluating LIQs for the City Attorney - Professional Legal Services contract and will be based on certain objective and subjective considerations as listed below, among others:

TITLE PAGE; TABLE OF CONTENTS; LETTER OF INTEREST AND QUALIFICATIONS STATEMENTS

The firm shall address each factor specifically in its LIQ. The following information shall be provided in the order detailed. Failure to provide any one part of any section without appropriate explanation may result in disqualification of the LIQ.

Title Page - list the RFLIQ subject, the name of the attorney/firm, address, telephone number, facsimile, email address, contact person and date

Table of Contents – include a clear identification of the material included in the LIQ by page number.

Letter of Interest and Qualifications Statements – This is a letter of the firm’s interest and qualifications statements. The letter must be executed by an authorized representative of the firm. The letter should also include a brief overview of the firm’s history and statement concerning the firm’s experience working with local governments and explain any relationship between firms submitting a joint response.

APPROACH TO PROVIDING CITY LEGAL SERVICES

Provide a proposed transition approach and/or strategy for handling current cases or legal matters. If this section is not applicable to your situation, explain why.

Provide a description of the approach that will be used and the manner in which the firm would recommend the provision of legal services to the City, to include, but not be limited to objectives, scope, and methodology.

Information needed from the City to accomplish work during contract performance or prior to contract award and how the firm will successfully accomplish the work if such information is not obtained.

Describe the firm’s approach toward providing proactive legal services, and encouraging members of City Council, City Boards and City staff to seek legal advice from the firm (generally without additional legal fees being incurred by the City for such legal advice), which will minimize claims and litigation, and measures that will be used to stay within the established budget. Describe how the firm would propose to handle a situation when over budget.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

**EXPERIENCE, QUALIFICATIONS AND REFERENCES
(CITY ATTORNEY/FIRM AND PROPOSED STAFF)**

Provide a current resume of the primary attorney who will assume the responsibility under the contract. This information should include relevant academic training and degrees, description of prior experience in law areas described in the scope of services, number of years with the firm, areas of responsibility with the firm, and other background or experience which may be helpful in evaluating this LIQ (board certifications; experience in advising entities on Florida Sunshine and public records law, legislative and quasi-judicial bodies; Alternative Dispute Resolution (ADR) training, experience and success record of advocacy in mediation and arbitrations; litigation experience and track record, municipal or other public sector experience or any other relevant experience and training).

Provide the information above for the proposed backup legal representative(s) for the City.

Provide the information above for any other personnel, if appropriate.

Provide at least three different references (with contact information) for each of the primary, backup and other personnel described above.

INTERVIEWS OF QUALIFIED LAW FIRMS

The City Council has appointed a committee of three experienced lawyers (the "Recommendation Committee") to review the LIQs, interview qualified firms and make recommendations to City Council regarding the selection of the City Attorney. The Committee has no authority to bind the City. All authority regarding the selection and retention of the City Attorney has been retained by and remains solely with City Council.

FEE PROPOSAL

Following interviews of qualified firms, the Committee will invite a "short list" of firms to make fee proposals to the City. At that time, the City will provide details on actual legal expenses incurred by the City for prior years, anticipated legal fees in the future and other information requested by invited firms. The proposals will identify the methodology to be used for charging the City on a monthly basis. Note that the City will request fees to be submitted for at least one of the following options:

Option "A" - retainer/fixed fee cap (with an explanation of what it covers) plus hourly fees for litigation or special projects

Option "B" - hourly fees for all work (no retainer/fixed fee)

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

Option “C” - firms’ choice. Explain any billing methodology you wish.

The details will be negotiated. The City will not pay for meals, travel time, and mileage for any of the above options. If circumstances require an exception to the above, such travel expenses must be pre-approved and will be reimbursed in accordance with City policy. If there are any services routinely performed at no cost, list those services.

A significant reason for seeking outside counsel is to reduce the City’s legal costs. Firms that provide fixed fee caps, not to exceed amounts and other options to reduce, and provide certainty to, the City’s legal costs are likely to be favored in the selection of the City Attorney. The City understands that, once a complaint is filed, litigation typically will be billed on an hourly basis, but again, caps on total costs and hourly rates, and other cost controls, are likely to be favored in the selection of the City Attorney.

Further details on the options that will apply to the “short list” of qualified firms are described below.

OPTION A – FIXED RETAINER PLUS HOURLY BILLING

A fixed retainer fee to be charged for general governmental services and the items noted that are to be covered by the retainer. Invited firms will be required to clearly note any items listed that it would not provide as part of the retainer duties and prefer to bill on an hourly basis. Unless an item is clearly identified as not being included in the retainer, the contract will provide that such item is part of the services included in the retainer.

Invited firms will also be required to state separately the rate(s) for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

If there are any services routinely performed at no cost, those services should be listed.

OPTION B - HOURLY FEES FOR ALL WORK WITHOUT A RETAINER

For the hourly fees portion of a proposal, invited firms will be required to identify the hourly rate (billed in 1/10th increments) for each attorney and support personnel.

Invited firms will also be required to state separately the rate for any other cost items proposed to be itemized and billed (i.e. photocopying, Westlaw, or Lexis fees, overhead factor, etc.).

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

If there are any services routinely performed at no cost, those services would need to be listed.

OPTION C - FIRM'S CHOICE

Use any combination of retainer, hourly rates or other methodology that the firm chooses to deliver the requested services.

FOR ALL OPTIONS:

Details for all options must include:

- Any "retainer" items that will not be provided as part of the retainer fee but rather billed on an hourly basis.
- Specific description of other out-of-pocket costs that would be billed to the City.
- Any other items related to fees that are pertinent in the consideration of a fee proposal.

LITIGATION

Provide a list of all judgments or lawsuits against each attorney and/or the firm in the last seven (7) years, including the nature of the lawsuit and the resolution thereof. Provide a list of all lobbyist(s) employed by the firm and areas in which they lobby.

Provide a list and explanation of any ethics complaints filed against each attorney and/or the firm or any attorney proposed under this solicitation by the Florida Bar Association or any relevant State regulatory agency within the past ten (10) years.

CONFLICT OF INTEREST/ETHICAL CONSIDERATIONS

List any clients that the firm currently represents that could cause a conflict of interest with the firm's responsibilities to the City. Describe how the firm would be willing to resolve these or any future conflicts of interest.

List any potential conflicts of interest or ethical considerations related to representation or affiliation with any boards, organizations, committees, clients, or any other entities.

Provide a list of other municipalities or other governmental entities currently being represented by the firm or attorney(s) proposed under this solicitation.

LOCATION

Provide the address of the primary office that will be providing legal services to the City. Provide a list and description of ownership, office location, and principal office where the majority of the City's work will be performed and contact information.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

AWARD CRITERIA:

The City Council shall be the sole judge as to the merits of the LIQ(s), and any resulting agreement. The City's decision will be final.

The City's evaluation criteria will include, but may not be limited to, considerations listed under **Sections III, IV and V.**

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**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

**SECTION VII
LIQ SIGNATURE & REQUIRED FORMS**

REQUIRED FORMS INCLUDED IN RFLIQ DOCUMENT

- **LIQ ACKNOWLEDGEMENT**
(It **must** be signed by an authorized agent.)
- **DRUG FREE WORKPLACE**
(If program is in place. If not please indicate that it is not.)
- **PUBLIC ENTITY CRIME STATEMENT**
- **NON-COLLUSIVE AFFIDAVIT**
- **STATEMENT OF ORGANIZATION**
- **E-VERIFY AFFIRMATION STATEMENT**

OTHER REQUIRED FORMS

- Provide **IRS Form W – 9** (available at IRS website)
- The firm must be registered with the State of Florida to perform the professional services required for this LIQ. A copy of the Registration **must** be included with submission.
- If firm is claiming MBE/WBE status a copy of the certificate from Department of Management Services **must** be included with the submission.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

LIQ ACKNOWLEDGEMENT

Company/Firm Name _____

Address: _____

City: _____

State & ZIP _____

Telephone _____

Email _____

Type of Business (Corporation, Partnership, Other (Specify)): _____

Tax ID number (FEIN/SSN): _____

Certification

The undersigned hereby confirms as follows:

1. I am a duly authorized agent of the law firm submitting the LIQ;
2. I have read the LIQ in its entirety and fully understand and accept these terms unless specific variations have been expressly listed below.
3. If invited to make a fee proposal, my firm

_____, agrees to hold all prices, terms and conditions firm for acceptance for ninety (90) calendar days following the date and time of the opening of the fee proposal.

Variations

The firm shall identify all variations and exceptions taken to this RFLIQ in the space provided below unless such variation is expressly prohibited in the RFLIQ documents. If no variations are listed here, it is understood that the firm fully complies with the terms and conditions. It is further understood that such variations may be cause for determining that the LIQ is non-responsive and ineligible for award:

Section _____ Variance _____

Section _____ Variance _____

Attach additional sheets as necessary.

Signature of authorized agent

Date

Printed Name

Title of Agent

LIQs without the manual and original signature of an authorized agent of the firm shall be deemed non-responsive and ineligible for selection.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

DRUG FREE WORKPLACE

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

(Company Name)

Does:

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.

Signature of authorized agent

Date

Printed Name & Title

THIS PAGE SHOULD BE SUBMITTED WITH LIQ ONLY IF SAID PROGRAM IS IN PLACE

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

PUBLIC ENTITY CRIME STATEMENT

PUBLIC ENTITY CRIMES

Pursuant to Subsections 287.133(2) and (3), F.S., "a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in s.287.017 for CATEGORY TWO for a period of 36 months following the date of being placed on the convicted vendor list."

I, _____, being an authorized
representative of _____

_____, located at _____ City:

_____ State: _____ Zip Code:

_____, have read and understand the contents above.

Signature: _____ Date: _____

Telephone #: _____ Fax #: _____

Federal ID #: _____

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 2018,

by _____ who is personally known to me or has produced his/her driver's license as identification.

Notary Public - State of Florida

Print Name: _____

Commission No: _____

THIS PAGE MUST BE SUBMITTED WITH PROPOSAL

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

NON-COLLUSIVE AFFIDAVIT

State of _____

County of _____

} SS.

Before me, the undersigned authority personally appeared:

_____ who, being first duly sworn, deposes and says that:

1. _____ He/She is the _____ (Owner, Partner, Officer, Representative or Agent) of _____ the offeror 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 offeror 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 offeror, CITY ATTORNEY/FIRM, or person to submit a collusive or sham proposal in connection with the work for which the attached proposal has been submitted; or have in any manner, directly or indirectly sought by agreement or collusion, or communication or conference with any offeror, CITY ATTORNEY/FIRM, or person to fix the price or prices in the attached proposal or of any other offeror, or to fix any overhead, profit, or cost elements of the proposal price or the proposal price of any other offeror, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposal work.

Signed, sealed and delivered this _____ day of _____, 2018.

By: _____

(Printed Name)

(Title)

STATE OF _____

COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 2018, by _____ who is personally known to me or has produced his/her driver's license as identification.

Notary Public - State of Florida

Print Name: _____

Commission No: _____

THIS PAGE MUST BE SUBMITTED WITH PROPOSAL.

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

STATEMENT OF ORGANIZATION

Page 1 of 2

Firm must state whether he/she is an individual, partnership, corporation or joint venture. Partnerships shall show the names, titles, and original signature of all partners with authority to bind the company. Corporations must be signed in the name and with the seal of the corporation¹, followed by the original signature and title of the person authorized to bind the corporation. Each joint venture shall be required to sign for each individual, partnership and corporation that is a party to the joint venture

If the firm is a **PARTNERSHIP** or a **LIMITED LIABILITY COMPANY** (Provide names and signatures of authorized partners/members):

Firm Name: _____

Partner/Member: _____

Signature: _____

Partner/Member: _____

Signature: _____

Partner/Member: _____

Signature: _____

Business Address: _____

Phone: _____ Fax: _____

(Attach additional sheets if necessary)

THIS PAGE MUST BE SUBMITTED WITH PROPOSAL

¹ Delete seal requirement?

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

STATEMENT OF ORGANIZATION

Page 2 of 2

If the firm is a **CORPORATION**:

Corporation Name: _____

State of Incorporation: _____ CORPORATE SEAL _____

Name/Title of person authorized to bind: _____

Signature: _____

Name/Title of person authorized to bind: _____

Signature: _____

Business Address: _____

Phone: _____ Fax: _____

If the firm is a **JOINT VENTURE**:

Name/Title: _____

Business Address: _____

Phone: _____ Fax: _____

Name/Title: _____

Business Address: _____

Phone: _____ Fax: _____

Name/Title of person authorized to bind: _____

Signature: _____

Name/Title of person authorized to bind: _____

Signature: _____

**CITY OF BONITA SPRINGS
PROFESSIONAL LEGAL SERVICES LIQ 18-04
REQUEST FOR LETTERS OF INTEREST AND
QUALIFICATIONS STATEMENTS**

THIS PAGE MUST BE SUBMITTED WITH PROPOSAL

E-VERIFY AFFIRMATION STATEMENT

**RFLIQ/Bid /Contract
No:**

Project Description:

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

The Contractor/Firm/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/Firm/ Bidder Company Name

Authorized Company Person's Signature

Date

Authorized Company Person's Printed Name

Authorized Company Person's Title: