

**PUBLIC NOTICE AND REQUEST FOR QUALIFICATIONS/PROPOSALS
FOR
PROFESSIONAL SERVICES**

TO ALL INTERESTED PARTIES:

The Board of Commissioners of Fort Myers Beach Fire Control District (the "District") hereby requests qualifications/proposals from qualified responders who are able and interested in providing professional services to the District related to the District's use of a State-wide competitive selection process to select a fire chief for the District. The District is an independent special fire control district which is governed by Florida law, especially Chapter 189 and Chapter 191, Florida Statutes, and the District's enabling legislation.

The scope of the professional services sought by the District involves an independent contractor of the District. The selected responder will report directly to the Board of Commissioners and will be required to work closely with the District's legal counsel throughout the process. The District Board of Commissioners is currently in the process of completing an updated job description and job requirements for the fire chief's position which will be provided to the selected responder. At a minimum, the selected responder will be required to enter into a written agreement with the District for the provision of the required professional services, all of the terms of which, including the final agreement scope of work, are subject to being negotiated between the District and the selected responder.

Interested responders may obtain a packet of information specifying details regarding the response and selection process from the District's website at www.fmbfire.org on the financial information page located under the Administration tab or from the District's legal counsel via a written request electronically mailed to Richard@strayhornandstrayhornlaw.com.

All responses must be sealed and received by the District's legal counsel, Richard W. Pringle, on or before Friday, August 14, 2015, at 3:00 P.M. Responses can be submitted electronically to the District's legal counsel at Richard@strayhornandstrayhornlaw.com, or in the alternative, responses can be submitted in hard copy to the District's legal counsel by mail to P.O. Box 1545, Fort Myers, Florida 33902-1545, or by hand delivery to 2125 First Street, Suite 200, Fort Myers, Florida 33901. Any response received after this time will not be accepted. Responses delayed for any reason shall not be considered. Late responses will be returned to the respondent unopened.

The District reserves the right to reject any or all responses in its sole discretion. The District also reserves the right to waive irregularities and technicalities and to re-advertise for additional responses. All costs and expenses related to preparation and submission of a response are the responsibility of the responder. Questions related to the submission of a response should be directed, in writing, to the District's legal counsel at Richard@strayhornandstrayhornlaw.com.

The District does not discriminate on the basis of age, race, color, sex, religion, national origin, disability, or marital status.

FORT MYERS BEACH FIRE CONTROL DISTRICT
REQUEST FOR QUALIFICATIONS/PROPOSALS
FOR PROFESSIONAL SERVICES

I. Scope of Work

The Fort Myers Beach Fire Control District (hereinafter “District”) is requesting qualifications/proposals from qualified responders who are able and interested in providing professional services to the District related to the District’s use of a State-wide competitive selection process to select a fire chief for the District in accordance with the terms, conditions, and specifications contained in this Request for Qualifications/Proposals (RFQ/RFP) and in accordance with the terms, conditions, and specifications of a written agreement between the District and the selected responder. The selected responder will act as an independent contractor of the District. The selected responder will report directly to the Board of Commissioners and will be required to work closely with the District’s legal counsel throughout the process. The District Board of Commissioners is currently in the process of completing an updated job description and job requirements for the fire chief’s position which will be provided to the selected responder. At a minimum, the selected responder will be required to enter into a written agreement with the District for the provision of the required professional services, all of the terms of which, including the final agreement scope of work, are subject to being negotiated between the District and the selected responder.

The minimum professional services to be provided by the responder to the District shall include, but not be limited to:

1. Oversight of the competitive selection process to select a fire chief.
2. Publication of notices of the competitive selection process in appropriate media locations/forums/periodicals and other information sources which cover the State of Florida.
3. Preparation of the request for responses from candidates for the fire chief’s position which incorporates the fire chief’s job description and position requirements.
4. Reviewing timely responses from candidates for the fire chief’s position to determine whether the responses are “responsive”.
5. Attending meetings and workshops with the Board of Commissioners and District employees for educational purposes and also for the purpose of reviewing the candidates’ responses and qualifications for the fire chief’s position and to also attend a meeting, or meetings, of the Board of Commissioners to discuss and make a decision on selecting the candidate, or a list of the candidates, who are best fit for the fire chief’s job at the District at this time.
6. Being available to answer questions by the commissioners throughout the process.
7. Coordinate and attend additional events in the fire chief’s evaluation and selection process,

such as individual interviews between the commissioners and the candidates and meetings between the candidates and the employees.

It is anticipated that the entire competitive fire chief selection process will have to be completed and a final selection by the Board of Commissioners of the best candidate for the fire chief's position will need to be made on or before October 30, 2015.

II. General Requirements

1. Each responder's response must be received by the District's legal counsel, Richard W. Pringle, on or before Friday, August 14, 2015, at 3:00 P.M. Responses can be submitted electronically to the District's legal counsel at Richard@strayhornandstrayhornlaw.com, or in the alternative, responses can be submitted in hard copy to the District's legal counsel by mail to P.O. Box 1545, Fort Myers, Florida 33902-1545, or by hand delivery to 2125 First Street, Suite 200, Fort Myers, Florida 33901. All costs incurred by any responder in the preparation of a response shall be borne exclusively by the responder and the District shall in no instance be liable for any costs incurred by any responder. It is the sole responsibility of a responder to insure that their written response is received by the District's legal counsel on or before the deadline of Friday, August 14, 2015, at 3:00 P.M., and any responses received after the deadline of Friday, August 14, 2015, at 3:00 P.M., will not be accepted under any circumstances. Late responses will be returned to the appropriate responder as rejected.
2. All responses must include the attachments to this document (Affirmations and Public Entity Crime Affidavit), must be properly signed and where applicable, a corporate and notary seal must be attached. All names of all individuals executing documents must be typed or printed below the signature.
3. Each responder is solely responsible for reading and completely understanding the requirements and specifications of the RFQ/RFP documents.
4. Responses may not be withdrawn or modified after the response deadline of Friday, August 14, 2015, at 3:00 P.M. Responders cannot assign or subcontract or otherwise transfer their responses or professional services obligations to others at any time without the prior written consent of the District.
5. Before submitting responses, interested firms or individuals must make all necessary investigations to inform themselves thoroughly of all requirements of this RFQ/RFP, at the sole expense of the responder and at no expense to the District.
6. All responders submitting a response are responsible for all errors in their response.
7. All responders are notified that any deviations from the requirements stated in the RFQ/RFP documents may result in the rejection of their response by the District, in the District's sole discretion.

8. All responses must contain a narrative statement which describes the specific professional services the responder shall provide to the District to satisfy the RFQ/RFP scope of work and the specific timeline for the provision of said professional services to the District. The narrative statement must describe, in detail, the total number of meetings that will be attended by the responder at the District as a part of the Guaranteed Maximum Not-to-Exceed Price. The responder must also describe the specific fees and costs for the responder's attendance at any additional meetings, on a per meeting basis, at the District that are requested by the Board of Commissioners.
9. Any responder can submit a description of alternative professional services the responder can provide to the District; however, any description of alternative professional services must contain the same specificity concerning the actual professional services being provided to the District and the timeline for the provision of same as is being provided in the narrative statement of the basic professional services being provided by the responder to satisfy the required scope of work.
10. Each response should include a description of the responder's past experience and qualifications to perform the required professional services being sought by the District. Promotional material about the responder may be included as supplemental information in the response.
11. Each response must contain a statement of the specific professional services that are excluded from the scope of work and Guaranteed Maximum Not-to-Exceed Price stated in the response.
12. All responses must contain a description of all fees and all other costs as a Guaranteed Maximum Not-to-Exceed Price (fees and costs) and any other obligations of the District to the responder that will occur as a result of the District entering into an agreement with the responder for the scope of work, as well as, the separate costs for any proposed additional professional services that are not included in the Guaranteed Maximum Not-to-Exceed Price.
13. All requirements and conditions set forth in this RFQ/RFP and in the response submitted by the selected responder shall be incorporated into the agreement between the District and the selected responder unless otherwise agreed to by the District in the agreement.

III. Additional Professional Services

The District may request additional professional services that are not included in the scope of work and Guaranteed Maximum Not-to-Exceed Price of the agreement entered into between the District and the selected responder. The total cost of any additional services beyond the scope of work of the agreement shall be separately negotiated at the time of the engagement for the additional services.

IV. Selection Process by the District

1. By submitting a response, each responder recognizes and agrees that the District may reject

its response based upon the District's exercise of its sole discretion. Every responder waives any claims it may have for damages or other relief resulting directly or indirectly from the rejection of its response based upon any ground whatsoever, including the District's exercise of its sole discretion and the District's disclosure of or refusal to disclose any pertinent information related to the reasons for the District's rejection of said response.

2. All responses that are determined to be timely delivered and fully responsive may be reviewed by the Board of Commissioners at a meeting that is open to the public. It is anticipated that the Board of Commissioners will review responses at the Board of Commissioners meeting at 6:00 P.M. on August 18, 2015, that will be held at the Fort Myers Beach Town Hall in the Council Chambers at 2523 Estero Boulevard, Fort Myers Beach, Florida 33931.
3. The Board of Commissioners may or may not evaluate each response and select a responder or rank the most highly qualified responders to perform the required professional services in the Board of Commissioners' sole discretion.
4. If an agreement cannot be reached with the selected or highest ranked responder, negotiations shall be formerly terminated and the District may enter into agreement negotiations with the second highest ranked responder, if any, and if agreement negotiations are still not successful, the process for negotiating with the next ranked responder may continue until an agreement is successfully negotiated or until the District, in its sole discretion, terminates the agreement negotiations process.
5. At all times and in all instances, the District shall have the unilateral right to reject any and all responses and waive any and all deficiencies or irregularities in any responses in the District's sole discretion. Further, in all instances, the District shall have the unilateral right to terminate agreement negotiations with any responder and reopen agreement negotiations with any higher ranked responder or the District can choose to take any other action which the District deems to be in the best interests of the District, including to re-advertise for additional responses, in the District's sole discretion.

V. Public Entity Crimes

The District requires submission of a sworn statement regarding Public Entity Crimes which must be signed and notarized and submitted with the response. A form for this purpose is attached hereto as Exhibit A.

VI. Affirmations

Each responder, as a part of their written response, shall be required to include signed and notarized written affirmations with their response. A form of the affirmations that must be signed, notarized, and submitted with each response is attached hereto as Exhibit B.

EXHIBITS A AND B TO FOLLOW.

EXHIBIT A
PUBLIC ENTITY CRIME AFFIDAVIT

THIS FORM IS TO BE COMPLETED AND RETURNED WITH THE RESPONSE
THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY
PUBLIC OR OTHER OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to Fort Myers Beach Fire Control District, by:

(Printed individual's name and title)

(Print name of entity submitting sworn statement)

whose business address is:

and (if applicable) its Federal Employer Identification Number (FEIN) is: _____

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____).

2. I understand that a "public entity crime" as defined in §287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.
3. I understand that "convicted" or "conviction" as defined in §287.133(1)(b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere.
4. I understand that "convicted" or "conviction" as defined in §287.133(1)(b), Florida Statutes, means:
- a. A predecessor or successor of a person convicted of a public entity crime; or
 - b. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls

another person. A person who knowingly enters into a joint-venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a “person” as defined in §287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term “person” includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which one of the following statements applies by checking the appropriate box below).
 - Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (Attach a copy of the final order).

I understand that the submission of this form to the District identified in Paragraph One above is for the District only, and that this form is valid through December 31 of the calendar year in which it is filed.

[NEXT PAGE FOR SIGNATURE/NOTARIZATION]

Signature

Print Name

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING instrument was sworn to, signed and acknowledged before me this ____ day of _____, 2015, by _____, the _____ of _____(responder) , who produced _____ (type of identification and number) as identification.

Notary Public

Printed Name of Notary

NOTARY SEAL

EXHIBIT B
AFFIRMATIONS

1. Neither the undersigned, nor any other person, firm or corporation named herein, nor anyone else, to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action by the District for this response, and further, no District official or employee is directly interested in the outcome of this matter. This proposal is genuine and not collusive or a sham. The persons, firms, or corporations named herein have not colluded, conspired, connived or agreed directly or indirectly with any other responder or person, firm, or corporation, to put in a sham response, or to have any other person, firm or corporation refrain from responding. Further, the responder has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the price of said response or responses of any other responder, or to secure any advantage against the District or any person, firm, or corporation.
2. The responder agrees to comply with all applicable provisions as set forth in the Anti-Discrimination laws of this land. The responder further agrees to hold harmless, defend and indemnify the District and its agents from any losses, including attorney's fees, incurred as a result of the responder's failure to abide by any applicable Anti-Discrimination laws.
3. The undersigned, who being first duly sworn, acknowledges and affirms that all the statements made in this response are true, correct and accurate and no false statements are made herein. The undersigned further acknowledges that he or she has full knowledge of Florida law regarding sworn statements and the penalties, including perjury, resulting from the making of any false statements or misrepresentations herein.
4. The responder represents that the responder has familiarized itself with and assumes full responsibility for having familiarized itself with the nature and extent of the RFQ/RFP documents, the scope of work, the locality, local conditions, state, and local laws, ordinances, rules and regulations, as well as all applicable statutes, rules and regulations, which are applicable to the scope of work or that may in any manner affect the performance of the scope of work.
5. The responder shall comply with, and agrees to be bound by, all requirements, stipulations, terms, and conditions as stated in the RFQ/RFP documents.
6. The responder currently complies with all Federal, State, and local laws, rules and regulations regarding employment practices, equal opportunities, industry and safety standards, performance and any other requirements as may be relevant to the requirements of this RFQ/RFP.
7. The Affiant named below is officially authorized to represent the Responder in whose name the response is submitted.
8. The responder hereby warrants that the responder has all required licenses to perform the services required by this RFQ/RFP and that such licenses will be in full force and effect throughout the duration of the performance of the scope of work of the RFQ/RFP.
9. The responder hereby warrants that all services to be provided under this RFQ/RFP shall be

completed in a timely fashion pursuant to an agreement with the District and that time is of the essence.

10. The responder agrees that if requested by the District, the responder shall furnish additional information, references, financial statements, and other information for the District to sufficiently evaluate the responder's response and the responder's ability to perform the scope of work of the RFQ/RFP.

Dated: _____

Signature

Print Name and Title

Responder's Name

Address

Telephone Number

Facsimile Number

Electronic Mail Address

Occupational License Number

STATE OF FLORIDA
COUNTY OF _____

THE FOREGOING instrument was sworn to, signed and acknowledged before me this ____ day of _____, 2015, by _____, the _____ of _____ (responder), who produced _____ (type of identification and number) as identification.

Notary Public

Printed Name of Notary

NOTARY SEAL