

Approved By: For 5/23/25
County Administrator Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2025	2026	2027	2028	2029
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT					
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget:	Yes	<u>X</u>	No	<u> </u>
Is this item using Federal Funds:	Yes	<u> </u>	No	<u>X</u>
Is this item using State Funds:	Yes	<u> </u>	No	<u>X</u>

Budget Account No:

Fund Dept Unit Revenue Source

B. Recommended Sources of Funds/Summary of Fiscal Impact:

This item carries no fiscal impact.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

ASDCAL 5/22/25
OFMB CPA 5/22
INF 5/22

Contract Development and Control

B. Legal Sufficiency:

Legal Sufficiency: 5/22/25
Assistant County Attorney

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

Attachment 1
Presentation

Attachment 2
List of Request for Proposals (RFPs) Completed in FY24 and FY25 (to date)

Overview of Selection Processes

County Procurement Policies

BCC REGULAR MEETING

JUNE 3, 2025

Background

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- ▶ During its April 8, 2025, regular meeting the Board of County Commissioners (BCC) directed County staff to return, at a future meeting, with an overview of existing procurement processes and recommendations to provide for the BCC's increased participation in said selection processes.
- ▶ This presentation seeks to fulfill Board direction.
- ▶ This presentation does not include procurement process where price is the sole determinant for award (e.g., Invitation for Bids). Therefore, this presentation focuses on process that involve Requests for Proposals (RFPs).

Background (cont.)

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- ▶ This presentation includes **some** options, but not **all** potential options. The options presented are based on what staff believes to be of interest based on comments made by Commissioners during public meetings.
- ▶ Following discussion by the BCC, staff may return with additional options.
- ▶ Once the BCC decides the options it would like to implement, staff will need to identify the governing documents that will require revisions (e.g., ordinances, Policy and Procedures Memoranda (PPMs)) to update them accordingly.

Legal Framework for RFPs

- ▶ Applicable Florida Statutes (e.g., Fla. Stat. 287.055, Consultant Competitive Negotiation Act; Fla. Stat. 287.057 Procurement of Commodities or Contractual Services)
- ▶ County's Procurement Code
- ▶ County's Real Property Acquisition, Disposition and Leasing Ordinance (PREM Ordinance)
- ▶ Countywide PPMs (e.g., CW-L-008: Purchasing Policy and Procedures; CW-O-048: Selection of Professional Engineers, Architects, Landscape Architects, Land Surveyors and Mappers; CW-O-092: Selection of Construction Management or Program Management Firms; CW-O-094: Selection of Design-Build Firms)
- ▶ Department-specific PPMs

Three Phases to Every RFP

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Pre-Advertisement

**Advertisement to
Receipt of
Proposals**

**Evaluation and
Award**

Current RFP Process

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Pre-Advertisement

- **BCC**

- Approves projects and budget (recurring solicitations)
- Establishes policy for non-standard initiatives

- **Staff**

- Drafts RFP (inclusive of supportive documents such as contracts and lease agreements) based on approved project, budget and policy
- Ensures compliance with statutory requirements as applicable
- Conducts outreach efforts
- Completes all administrative tasks

Adver. to Rcpt. of Proposals

- **BCC**

- No involvement
- Cone of Silence in effect once proposals are received

- **Staff**

- Conducts pre-proposal and site visit meetings
- Receives and responds to questions from potential proposers
- Posts supplements as needed, inclusive of extending submission deadlines

Evaluation and Award

- **BCC**

- Receives recommendation from the Selection Committee
- Makes final determination (i.e., award, cancellation, further staff direction)

- **Staff**

- Conducts responsiveness review
- Notifies non-responsive proposers
- Receives, evaluates and responds to protests regarding non-responsiveness determination
- Schedules Selection Committee to conduct short and final selection meetings; notifies the BCC accordingly
- Receives, evaluates and responds to protests regarding recommended award
- Receives and responds to public records requests
- Negotiates contract for BCC review and approval

Pre-Advertisement Phase: Options

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► Option 1

- Staff sends email notification to BCC prior to advertisement of all RFPs and provides deadline for any Commissioner to request an item be brought to the BCC.
- If no request is received, staff proceeds with advertisement.
- If a request is received, staff submits an agenda item and BCC provides policy direction prior to advertisement of the RFP.

► Option 2

- Staff submits RFPs (i.e., the document) to the BCC for discussion during a public meeting; specific revisions are directed by the BCC; staff incorporates revisions and issues RFP.

Advertisement to Receipt of Proposals

Phase: Options

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► Option 1

- Staff sends email notification to BCC advising of RFP advertisement.
- BCC directs modifications to the published RFP.
- Staff issues supplements as directed by the BCC.

► Option 2

- BCC designates a Commissioner to liaise with Staff (i.e., participates in pre-proposal meetings/ site visits, reviews supplements prior to issuance).

► Option 3

- Staff escalates all questions received to the BCC, the same are discussed during a public meeting, direction is provided and Staff issues supplements accordingly.

Evaluation and Award Phase: Options

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▶ Option 1

- ▶ Staff follows current selection process and provides the BCC with the Selection Committee's evaluation and ranking sheets.

▶ Option 2

- ▶ BCC designates a Commissioner to serve on the Selection Committee

▶ Option 3

- ▶ Staff completes Short List and forwards the proposals of the short-listed companies to the BCC who conducts Final Selection at a public meeting; staff negotiates contract after the BCC selects a company for award.

▶ Option 4

- ▶ Staff conducts only responsiveness review, forwards all responsive proposals to the BCC for short list and final selection at public meetings; staff negotiates contract after the BCC selects a company for award.

Factors to Consider

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▶ **Standard Templates**

- ▶ Staff has developed templates for all recurring RFPs (e.g., good and services, architectural services, Construction Managers at Risk). Therefore, when issuing an RFP for a BCC-approved project, staff is only incorporating in the template the project-specific information.

▶ **Workload/Volume**

- ▶ In FY24 and FY25 (to date) Purchasing, the County's Five Construction Departments, and Housing & Economic Development have completed **73** RFPs
- ▶ If one assumes 6 proposals received for each RFP to be evaluated at a Short List meeting, with 3 proceeding to Final Selection, the time impacts on the BCC's public meetings could be significant.

Factors to Consider (cont.)

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▶ The Evaluation Threshold to be Met

- ▶ In general, statutory requirements call for determinations to be thoroughly substantiated, the same cannot be arbitrary and capricious
- ▶ Some procurement processes have statutory requirements as to how selection is to be made.
 - ▶ e.g., CCNA requires that selection be qualifications-based, price cannot be a factor

▶ Sunshine Law Provisions

- ▶ Under current processes, the Sunshine Law allows for presentations to the Selection Committee to be done in closed sessions.

Factors to Consider (cont.)

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► Impacts to Project Development

- Currently, staff notifies the BCC of the recommended award and proceeds to negotiate a contract if no objections are received by the deadline.
- If selection is taking place at the BCC-level, staff will need to negotiate the contract after the BCC makes a selection, and will have to return at a later time to the BCC for approval through a separate agenda item.

► Interagency Coordination

- Currently, staff responds to information requests from the Office of the Inspector General and other stakeholders. If evaluation and selection is occurring at the BCC-level, the communication procedures will need to be revised accordingly.

Factors to Consider (cont.)

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► **Protests, Legal Challenges, Litigation**

- Currently, the issuing department works with Procurement and the County Attorney's Office in responding to all protests and litigation-related requests.
- Depending on the options the BCC chooses, some of the protest procedures might be eliminated, this reduces the County's opportunities to address any procedural flaws.
 - e.g., if the BCC is shortlisting firms, protesting the selection to the Procurement Director wouldn't be logical as the BCC is the ultimate decision authority.
- Depending on the options the BCC chooses, Commissioners might be subject to discovery actions during litigation.
 - i.e., Staff cannot speak as to the reasoning behind the selection if the same is done by the BCC.

Benchmarking

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▶ Broward County

- ▶ RFP drafting and administrative process is handled by staff.
- ▶ Commissioners do not participate in the selection process.
 - ▶ Commissioners previously participated in selection processes until ~2008, issues arose (e.g., ethical, conflicts of interest, criminal proceedings) which led to the revision of County policies as they currently stand
- ▶ Staff issues an email notification to the BCC prior to advertisement, if no Commissioner objects within five (5) days, staff proceeds with advertisement.
- ▶ Selection process is handled by staff
- ▶ Staff notifies the BCC via email of selection rankings, if no objections are received, staff proceeds to negotiate contract.
- ▶ Contracts over \$500k are submitted to the BCC for approval
- ▶ Cone of Silence is in effect from advertisement to award.
 - ▶ "One way communication" permitted → a commissioner can reach out to a proposer

Benchmarking (cont.)

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▶ **Miami-Dade County**

- ▶ RFP drafting and administrative process is handled by staff.
- ▶ In select occasions the BCC has requested to review the RFP document, at which time the entire document has been made available to the BCC (not to individual commissioners).
- ▶ Responsiveness review is done by the County Attorney's Office.
- ▶ Selection process is handled by staff; Commissioners do not participate in the selection process.
- ▶ The Procurement Director approves the rankings from the Selection Committee
- ▶ Staff negotiates the contract.
- ▶ Contracts over \$5M are submitted to the BCC for approval.
- ▶ Cone of Silence is in effect from advertisement to notice of proposed award.

Benchmarking (cont.)

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▶ Lee County

- ▶ RFP drafting and administrative process is handled by staff.
- ▶ Selection process is handled by staff.
- ▶ Commissioners do not participate in the selection process.
- ▶ Staff negotiates the contract.
- ▶ Contracts over \$100k are submitted to the BCC for approval
- ▶ Cone of Silence is in effect from advertisement to award.

Benchmarking (cont.)

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▶ **Pinellas County**

- ▶ RFP drafting and administrative process is handled by staff.
- ▶ Selection process is handled by staff.
- ▶ Commissioners do not participate in the selection process.
- ▶ Staff negotiates the contract.
- ▶ Staff prepares a single agenda item with rankings and negotiated contract.
- ▶ Cone of Silence is in effect from advertisement to award.

Benchmarking (cont.)

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▶ Hillsborough County

- ▶ RFP drafting and administrative process is handled by staff.
- ▶ Selection process is handled by staff
- ▶ Commissioners do not participate in the selection process
- ▶ Staff negotiates the contract.
- ▶ Contracts over \$250k are submitted to the BCC for approval.
- ▶ Cone of Silence is in effect from advertisement to notice of intent to award.

Benchmarking (cont.)

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▶ Orange County

- ▶ RFP drafting and administrative process is handled by staff
- ▶ Selection process is handled by staff.
- ▶ Commissioners may sit on the Selection Committee.
- ▶ Staff negotiates the contract
- ▶ Cone of Silence is in effect from advertisement to notice of intent to award

Benchmarking (cont.)

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► Summary

- Only one of the six comparable counties that Staff connected with provides for Commissioners to participate in the selection committee.
- None of the six counties have, as its standard process, selections occurring at the BCC-level.
- All counties indicated that the BCC holds authority to overturn recommendations for award but that the same are rarely seen due to the process being followed.

Benchmarking (cont.)

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▶ Summary (cont.)

- ▶ Common topics that emerged as basis for existing processes being implemented by the six referenced comparable counties:
 - ▶ Avoidance of conflict of interest
 - ▶ Avoidance of political considerations
 - ▶ Keeping a level playing field for all vendors, no unfair advantages
 - ▶ Controls in place to prevent favoritism
 - ▶ Avoidance of litigation and associated costs, minimizing risk
 - ▶ Higher standard of compliance
 - ▶ Systematic and streamlined approach
 - ▶ Centralized processing, single-point of contact

Staff's Recommendation

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► Retain the Base Process as it Stands, and...

- The same aligns with statutory requirements and with the practices of comparable counties.
- It reflects the: 1) expertise of professional staff, and 2) lessons (hard)learned through protests and litigation.
- It provides for a consistent, fair, systematic approach to public procurement.
- It minimizes risk for the County.

► Incorporate Minor Modifications Allowing for Increased BCC Participation

- Have Staff notify the BCC prior to issuance of all RFPs so that the BCC can request for specific RFPs to be brought to a public meeting for policy discussion prior to advertisement.
- Have staff include copies of the Selection Committee's evaluation notes and rankings in the agenda item recommending award.
- Have the BCC make the Final Selection in exceptional circumstances only; and even in those instances, have staff complete the shortlist.

Request for Direction

- ▶ Staff requires direction as to which modifications the BCC would like implemented in the County's Selection process
 - ▶ **Pre-Advertisement Phase** (options on slide 7)
 - ▶ **Advertisement to Proposals Phase** (options on slide 8)
 - ▶ **Evaluation and Award Phase** (options on slide 9)
- ▶ Are there any additional options that the BCC would like to consider?

Overview of Selection Processes

County Procurement Policies

BCC REGULAR MEETING

JUNE 3, 2025

Requests for Proposals Procurements Completed in FY24 and FY25 (to date)
(excludes cancelled and "in process" RFPs)

Solicitation #	Title	Proposals Received	Proposals Shortlisted	Proposals Recommended for Award
Airports				
1 PB 24-4	On-Demand Ground Transportation Concession Agreement Palm Beach International Airport	1	-	1
2 PB 24-10	Food, Beverage and retail Concession Agreement Palm Beach International Airport	6	-	2
3 PB 24-13	Automated Teller Machine Concession Agreement at the Palm Beach International Airport	3	-	1
4 PB 24-24	Lease and Development of Approximately 0.50 to 1.50 acres of Vacant land at the Palm Beach International Airport	1	-	1
5 24-025/DJ	Maintenance of Airport Facilities and Systems	3	-	1
6 24-059/DJ	Airport Noise and Operations Monitoring System	3	-	1
7 PB 23-18	Campus Wide Facility Improvements at Palm Beach International Airport	6	4	2
9 PB 24-06	Facility System Improvements Palm Beach International Airport	5	4	2
11 PB 24-21	Program Management Services at PBI	2	-	2
Engineering and Public Works				
1 2024504	CR 880 from Dr. Martin Luther King Jr. Blvd. to SR 80	4	4	1
2 2024502	Prosperity Farms Rd: Northlake to Donald Ross Rd.	6	3	1
3 2020600	Linton Blvd Bascule Bridge	1	1	1
4 2024055	Civil Engineering Continuing Services	8	8	6
5 2023722	Palm Beach County Safety Action Plan (SS4A)	1	1	1
Environmental Resources Management				
None				
Facilities Development and Operations				
1 2022-031291.1-3	CM@Risk Services - 45th Street Complex	6	5	1
2 2024-101-DML-1	Lease 577 +/- Ag Reserve Land for Commercial Farming	1	1	1
3 2024-102-DML-1	Lease 272 +/- Ag Reserve Land for Commercial Farming	1	1	1
4 2022-02145-3	Call to Artists - Palm Beach County Fire Rescue Station #49	70	3	1
5 2023-033163.1-3	Consulting Services Bldg. Systems Commissioning Services	8	4	2
6 2024-101-ARQ-10	Design,Devt,Permit,Const,Opert.and Maint of a Branded Hotel	3	1	1
7 52224-2	Palm Beach International Airport Exhibition	63	15	15
8 17204-A-2	Palm Beach County Canyon District Park (Art in Public Places)	29	3	1
9 2023-009548.1-3	Medical Examiner's Office Building Expansion	5	3	1
10 2023-044804-2	Design Professional for Cam D. Milani Park	1	0	0
11 2023-044804.1-1	Design Professional for Cam D. Milani Park	1	1	1
12 2024-008256-2	Architectural Services Continuing Contract	16	5	3
13 2024-028060-4	Design Professional Airport Center Complex Building 3	12	3	1
14 71024-1	Palm Beach International Airport Exhibition	75	15	15
15 2023-009492.1-2	CMAR - Four Points/EOC Connector	2	0	0
16 2023-028778-5	Design Professional - Peanut Island Park Improvements	7	7	1
17 P-2024-006280-4	Design Professional - North County Courthouse Renovations	8	8	1
18 PR2023-3437A-2	Lake Lytal Aquatic Complex	59	3	1
19 2022-045830-5	CM@Risk Services Fire Stations #25 & 33	5	3	1
20 2023-009492.1R-2	CM@Risk of Four Points/EOC Connector	3	3	1
21 P2025-000014-3	Design Professional Public Safety Radio System Continuing Contract	2	2	1
22 2022-020957A-2	Palm Beach County Vista Center Expansion	87	3	1
23 P-2024-006278-1	Design Professional SOE Bldg. Hardening/Restoration	3	3	1
24 31025-1	Palm Beach International Airport Exhibition	57	15	15
25 P-2025-000016-4	Design Prof. -PBC Convention Center Expansion	4	4	1
26 P-2025-000003-2	Asbestos and Industrial Hygiene Consulting Services	6	6	3
Housing and Economic Development				
1 HED 2023-4	HOME Community Housing Development Organizations	2	1	1
2 HED 2024-1	HOME Community Housing Development Organizations	1	1	1
3 HBLP 2024-3	Housing Bond For-Sale Development	2	1	1
4 HBLP 2024-4	Housing Bond Workforce Housing Multifamily Development	7	6	3
5 HBLP 2024-5	Housing Bond Affordable Housing Multifamily Development	7	6	5
Procurement				
1 F-23-112/BV	Housing Rehabilitation Program/Specification Writing Service	2	2	1
2 24-007/KA	Financial Advisory Services	1	1	1
3 F-23-111/KA	Housing Programs Credit Underwriting & Compliance Monitoring	2	2	1
4 F23-010R/LI	Bus Stop Shelters and Amenities	6	3	3
5 24-025/DJ	Airport Noise and Operations Monitoring System	3	3	1
6 24-038/MB	Palm Beach County Disparity Study Update	5	3	1
7 24-013/CB	Acoustic Water Leak Detection Survey Services	6	2	2
8 F-24-023/CB	P25 Mobile and Portable Radios	2	-	1
9 24-039/CB	Janitorial & Trash Removal Services at Palm Tran Intermodal	2	-	1
10 F-24-021/DJ	Personal Care / Adult Day Care Related Services and Assistance	2	2	2
11 24-050/MB	Automated External Defibrillator (AED) Management Program	4	-	1
12 24-046/LAC	Professional Claims Administration for Liability & W.C	4	1	1
13 24-049/KM	Term Life and Accidental Death & Dismemberment Insurance	3	3	1
14 24-059/DJ-1	Maintenance of Airport Facilities and Systems for Palm Beach	3	-	1
15 F24-009R/KM	Environmental Assessment & Brownfields Consulting Services	12	11	3
16 F24-045/KM	HQS Inspections	2	2	1
17 24-052/CB	Palm Tran Uniform Program	3	2	1
18 24-048/CB	Transit Signal Priority & Emergency Vehicle Preemption	4	-	1
19 24-075/KM	Bus Stop Maintenance Services	5	-	1
20 F24-079/GM	Consulting Services for Transit Management	10	-	7
21 24-080/BV	Management of Southwinds Golf Course, Term Contract	3	-	1
22 24-090R/BV	Certified Mailing and Tracking Services	1	-	1
23 25-001/LAC	Pebble Quicklime (Bulk), Purchase & Delivery, Term Contract	2	-	1
24 24-036R/DJ	Bus Stop Advertising	3	1	1
Water Utilities				
1 23-035	Capital Improvement Plan Project Management	3	-	2
2 23-038	Water Treatment Plant No.2 Expansion	2	-	2
Total RFPs 73				