



City of North Port

ORDINANCE NO. 2018-59

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AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, PROVIDING FOR A POLICY FOR THE UTILIZATION OF PUBLIC-PRIVATE PARTNERSHIPS (P3) IN PROCUREMENT BY AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, CHAPTER 2 – ADMINISTRATION, ARTICLE VIII. – PROCUREMENT, SECTION 2-402 – DEFINITIONS, AND BY CREATING A NEW SECTION 2-420 – PUBLIC-PRIVATE PARTNERSHIPS (P3); AMENDING APPENDIX A – CITY FEE STRUCTURE TO PROVIDE FOR RELATED P3 FEES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

16 **WHEREAS**, the City Commission of the City of North Port has established a procurement code in Chapter 2,
17 Article VIII of the Code of the City of North Port, Florida, for the fair and equitable method of administering
18 purchases of goods and services to maximize the purchasing value of public funds; and
19

20 **WHEREAS**, in 2013, the Florida Legislature enacted Chapter 2013-223, Laws of Florida, section 2 of which
21 governs public-private partnerships; in 2016, the Florida Legislature amended those laws via Chapters
22 2016-153 and 2016-154, Laws of Florida; and which laws are codified as Section 255.065, Florida Statutes
23 (the “P3 Statute”); and
24

25 **WHEREAS**, public-private partnerships (“P3”), while not defined in the P3 Statute, are commonly
26 recognized as contractual agreements between a public body and the private sector that allow for greater
27 private sector participation in the delivery of public projects; and
28

29 **WHEREAS**, there is a public need for timely and cost-effective delivery of projects serving a public purpose,
30 and this need may not be wholly satisfied by existing methods of procurement; and
31

32 **WHEREAS**, P3s have demonstrated they can meet the needs of the public by improving the schedule for
33 project delivery, lowering project costs, and providing other benefits to the public; and
34

35 **WHEREAS**, the City of North Port wishes to encourage investment in the City by private entities, to
36 facilitate funding sources for the development of public projects, and to provide for the greatest possible
37 flexibility in contracting for public projects under the P3 Statute; and
38

Changes from January 8, 2019 Reading

39 **WHEREAS**, the City of North Port is a “responsible public entity,” as defined in the P3 Statute, and is
40 authorized to follow the processes described in the P3 Statute to establish a P3 for a “qualifying project,”
41 as defined in the P3 Statute; and

42
43 **WHEREAS**, the P3 Statute recognizes the authority of local governments to create procurement processes
44 for qualifying projects and does not limit a local government’s existing authority to enter into agreements
45 with the private sector, including authority from existing home rule powers; and

46
47 **WHEREAS**, the procedures for a P3 project will not apply when the City of North Port procures stand-
48 alone “professional services,” as defined in Section 287.055, Florida Statutes, or when it procures
49 professional services in the context of a design-build project, both of which will continue to be procured
50 pursuant to Section 287.055, Florida Statutes; and

51
52 **WHEREAS**, to promote the efficient and effective use of the P3 method of project delivery, the City
53 Commission finds it necessary to adopt uniform procedures to be used by both the City and private
54 entities for the procurement of such projects; and

55
56 **WHEREAS**, the City Commission has determined that the proposed amendments serve the public health,
57 safety, and welfare of the citizens of the City of North Port, Florida.

58
59 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA,**
60 **AS FOLLOWS:**

61
62 **SECTION 1 – FINDINGS**

63
64 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set
65 forth herein.

66
67 **SECTION 2 – ADOPTION**

68
69 2.01 The City Commission hereby approves and adopts the following amendments and additions to
70 the Code of the City of North Port, Florida:

71
72 **“CHAPTER 2 – ADMINISTRATION**

73 . . .

74
75 **ARTICLE VIII. – PROCUREMENT**

76 . . .

77
78 **Sec. 2-402 – Definitions.**

79 . . .

80
81 *Invitation to negotiate.* A written solicitation for competitive sealed replies to select one or
82 more vendors with which to commence negotiations for the procurement of commodities or
83 contractual services. The invitation to negotiate is used when the city determines that
84 negotiations may be necessary for the city to receive the best value.

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85
86 P3 means a public-private partnership, which is an agreement between the city and a private
87 entity that involves the private sector taking on additional risks of a P3 qualifying project, such as
88 design, construction, finance, long-term operation, and traffic revenue.

89
90 P3 conceptual proposal means a P3 unsolicited proposal that includes conceptual information
91 sufficient for the city to determine whether the proposed idea(s) are attractive enough to justify
92 investment of city resources to undertake a process that may lead to formation of a contract to
93 implement the idea(s).

94
95 P3 detailed proposal means a proposal (solicited or unsolicited) that contains detail beyond a
96 conceptual level and is sufficient for the City to compare it competitively to others.

97
98 P3 proposal review fee means the fee paid by the private entity submitting a P3 unsolicited
99 proposal, by the private entity submitting a P3 conceptual proposal or P3 detailed proposal, or by
100 the private entity submitting a P3 detailed proposal to compete with a P3 unsolicited proposal.

101 P3 qualifying project means a facility or project that serves a public purpose, or a facility or
102 infrastructure that is used or will be used by the public or in support of a public purpose or activity,
103 as defined in the P3 statute.

104
105 P3 solicitation means a city-initiated procurement process seeking offers (bids, proposals, or
106 otherwise) for city projects, which may include processes authorized by: (1) Chapter 2, Article VIII
107 of the Code of the City of North Port; (2) F.S. 255.20 or F.S. 287.055; or (3) any other law or the
108 city's home rule powers.

109
110 P3 statute means F.S. 255.065.

111
112 P3 unsolicited proposal means a P3 conceptual proposal or a P3 detailed proposal a private entity
113 submits to the city on its own initiative and not in response to a P3 solicitation.

114
115 Private entity means any natural person, corporation, general partnership, limited liability
116 company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit
117 entity, or other private business entity.

118
119 ...”

120
121
122 2.02 The City Commission hereby approves and adopts the following amendments and additions to
123 the Code of the City of North Port, Florida:

124
125 **“CHAPTER 2 – ADMINISTRATION**

126 ...

127

128 **ARTICLE VIII. – PROCUREMENT**

129 ...

130

131 **Sec. 2-420. – Public-private partnerships (P3).**

132

133 (a) Purpose and scope; applicability.

134

135 (1) This section creates a uniform process for private entities and the city to engage
136 in a public-private partnership consistent with F.S. 255.065.

137

138 (2) When considering a public project, the city may elect to: follow this P3 process if
139 consistent with F.S. 255.065; follow any other legally available project delivery
140 process; or not pursue the project.

141

142 (3) The procurement of P3 agreements by the city must follow the provisions of this
143 section. Except for Section 2-402, requirements of other sections of this code do
144 not apply to procurements under this section unless such requirement is
145 expressly included or incorporated by reference in the procurement documents.
146 The city will ensure that generally accepted business practices for exemptions in
147 this section are part of the procurement process or are included in the P3
148 comprehensive agreement.

149

150 (4) The city may develop and maintain a separate P3 policy containing more detailed
151 procedures and requirements for entering into P3 agreements, consistent with
152 this section.

153

154 (5) When the city procures stand-alone “professional services,” as defined in the
155 Consultants’ Competitive Negotiation Act, codified at F.S 287.055, or when it
156 procures professional services in the context of a design-build project, the city
157 will not follow the P3 process, but instead will comply with F.S. 287.055.

158

159 (b) P3 conceptual proposals.

160

161 ~~(1)~~ Submission of a P3 conceptual proposal is not required; a private entity may
162 forego submitting a P3 conceptual proposal and instead submit an unsolicited P3
163 detailed proposal.

164

165 ~~(1)(2)~~ A private entity seeking review of a P3 conceptual proposal must submit the
166 proposal to the city’s finance department. The finance department will forward

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167 the proposal to the city manager's office, which will analyze the city's potential
168 interest in pursuing the proposed project as a P3.

169
170 ~~(2)~~(3) A private entity submitting a P3 conceptual proposal must also simultaneously
171 tender a P3 ~~conceptual~~ proposal review fee ~~of \$5,000~~. The city will not review a
172 P3 conceptual proposal that is not accompanied by the payment of this fee.
173 Payment must be made by cash, cashier's check, or other noncancelable
174 instrument. Personal or business checks will not be accepted.

175
176 ~~(3)(1) Submission of a P3 conceptual proposal is not required; a private entity may~~
177 ~~forego submitting a P3 conceptual proposal and instead submit an unsolicited P3~~
178 ~~detailed proposal.~~

179
180 (4) A P3 conceptual proposal must contain information sufficient to inform the city
181 about:

- 182
183 a. The overall character of the proposed P3 qualifying project;
184
185 b. The general experience of the private entity; and
186
187 c. The general strategies to ensure successful project delivery.

188
189 (5) ~~Within fifteen (15) business days a~~After the city's finance department receives
190 the P3 conceptual proposal, the city manager will ~~place the proposal on a meeting~~
191 agenda for the city commission's determination as to whether to accept the P3
192 conceptual proposal for review.~~either;~~

193
194 a. ~~If the city commission Summarily rejects~~ If the city commission ~~Summarily~~ rejects the P3 conceptual proposal
195 without substantive review, ~~and the City will~~ return the P3 proposal
196 review fee; ~~or~~.

197
198 b. ~~If the city commission Accept~~ If the city commission ~~Accept~~ accepts the P3 conceptual proposal for
199 substantive review, ~~and the city manager will~~ notify the private entity of
200 the anticipated time required for the city to complete the review of the
201 P3 conceptual proposal.

202
203 (6) If the city accepts the P3 conceptual proposal for substantive review, the city
204 manager will preliminarily assess whether:

- 205
206 a. The proposed project is a P3 qualifying project;

207

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- 208 b. The proposed project delivery model offers advantages over traditional
209 models, for example, lower cost, shorter schedule, increased investment,
210 etc.; and
211
212 c. The proposed project is reasonably likely to satisfy the criteria
213 established by the P3 statute.
214
215 (7) Upon completing its review of the P3 conceptual proposal, the city will notify the
216 private entity in writing of the city’s position regarding the proposed project. The
217 city manager may:
218
219 a. Decide not to pursue the proposed project;
220
221 b. Decide to pursue the proposed project or a similar project, using other
222 procurement methods (which, if open to private companies, the private
223 entity may compete if otherwise qualified); or
224
225 c. Decide to continue considering the proposed project under the P3 statute
226 and request that the private entity submit a P3 detailed proposal. Such a
227 request does not constitute a formal P3 solicitation, and a responsive
228 proposal is subject to Section 2-420(c).
229
230 (8) The city’s disposition of a P3 conceptual proposal does not limit its discretion or
231 authority with respect to future projects, whether solicited or unsolicited.
232
233 (c) Unsolicited P3 detailed proposals.
234
235 (1) A private entity seeking review of an unsolicited P3 detailed proposal must submit
236 the proposal to the city’s finance department. The finance department will
237 forward the proposal to the city manager’s office. The city manager will place the
238 proposal on a meeting agenda for the city commission’s preliminary
239 determination as to whether to deem the proposed project a P3 qualifying
240 project. Upon such determination by the city commission, the city manager will
241 analyze whether the city will further pursue the proposal under the P3 statute.
242 The city is not obligated to pursue a project under the P3 statute, even if the
243 project satisfies the statutory definition of a qualifying project.
244
245 (2) A private entity submitting an unsolicited P3 detailed proposal must also
246 simultaneously tender an initial P3 ~~unsolicited detailed~~ proposal review fee ~~of~~
247 ~~\$25,000. However, where a private entity has already paid a P3 proposal review~~

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248 ~~fee of \$5,000 for review of a substantially similar P3 conceptual proposal, the P3~~
249 ~~proposal review fee for the P3 detailed proposal is \$20,000.~~The city will not
250 review an unsolicited P3 detailed proposal that is not accompanied by the
251 payment of this fee. The P3 proposal review fee for an unsolicited P3 detailed
252 proposal is non-refundable. Payment must be made by cash, cashier's check, or
253 other noncancelable instrument. Personal or business checks will not be
254 accepted.

255
256 (3) If the initial P3 ~~unsolicited detailed~~ proposal review fee is insufficient to cover the
257 city's costs or if the city incurs third-party costs to evaluate the unsolicited P3
258 detailed proposal, the city will request in writing the additional amounts required.
259 If the private entity does not tender the additional requested amount within
260 thirty (30) days of the date of the written request, the proposal will be deemed
261 withdrawn and the private entity must pay another proposal review fee if it later
262 submits another unsolicited P3 detailed proposal.

263
264 (4) An unsolicited P3 detailed proposal must contain information sufficient to inform
265 the city about the detailed quality and character of the proposed P3 qualifying
266 project, the detailed experience and capacity of the private entity, and the
267 detailed financial and implementation strategies to ensure successful project
268 delivery. This information ~~should~~ must include the following:

269
270 a. A description of the private entity, including name, address, website, type
271 of organization, legal structure, and portfolio of prior projects;

272
273 b. Name and complete contact information of the primary point of contact
274 for the P3 detailed proposal;

275
276 c. Names and experience of proposed key project personnel;

277
278 d. Type of support needed, if any, from the city, for example, facilities,
279 equipment, materials, personnel, financial resources, etc.;

280
281 e. Identification of any proprietary data used and the manner in which it is
282 used;

283
284 f. Identification of any outside entities or professionals the private entity
285 has or intends to consult with respect to the project;

286

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- 287 g. The names of all other federal, state, or local agencies receiving the same
288 proposal;
289
290 h. Identification of any anticipated or pending litigation, claims, or
291 controversies that impact the project, and the scope of the potential
292 impact for each;
293
294 i. A complete discussion of the objective of the project, the method of
295 approach, the nature of the anticipated results, and the characteristics
296 that make it a P3 qualifying project worthy of pursuit by the city;
297
298 j. A detailed overview of the proposed business arrangements, including
299 the plan for the development, financing, and operation of the project;
300
301 k. Information demonstrating the private entity's understanding of and
302 willingness to assume the risks associated with the project, including but
303 not limited to costs, financing, construction, and quality assurance;
304
305 l. A preliminary project schedule;
306
307 m. A detailed financial analysis of the proposed project; and
308
309 n. Specification as to when the pricing or terms of the proposal will expire.
310
311 (5) Within one hundred twenty (120) business days after receipt of the unsolicited
312 P3 detailed proposal, the city will notify the private entity in writing of the city's
313 decision either to reject the P3 detailed proposal or to accept the P3 detailed
314 proposal for competitive review. During this period, the city may meet with the
315 private entity to gain a deeper understanding of the P3 detailed proposal, and the
316 city may request that the private entity submit additional information. These
317 meetings will be preliminary in nature and will not include or constitute
318 substantive negotiations of agreement terms.
319
320 (6) If the city determines it requires more than one hundred twenty (120) business
321 days to complete its review and assessment of the unsolicited P3 detailed
322 proposal, it will notify the private entity in writing of how much additional time is
323 required.
324
325 (7) In deciding whether to accept the unsolicited P3 detailed proposal for
326 competitive review, the city manager will consider and determine all reasonable
327 factors, including but not limited to:

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- 328
- 329 a. Whether the proposed project is a P3 qualifying project;
- 330
- 331 b. Whether the proposed project delivery model offers advantages over
- 332 traditional models, for example, lower cost, shorter schedule, increased
- 333 investment, etc.;
- 334
- 335 c. Whether the proposed project is reasonably likely to satisfy the criteria
- 336 established by the P3 statute;
- 337
- 338 d. Whether the P3 qualifying project is in the public’s best interest;
- 339
- 340 e. Whether the P3 qualifying project involves a facility owned by the city or
- 341 a facility for which ownership will be conveyed to the city;
- 342
- 343 f. Whether the proposal has adequate safeguards in place to ensure
- 344 additional costs or service disruptions are not imposed on the public in
- 345 the event of material default by the private entity or cancellation of the
- 346 P3 qualifying project by the city;
- 347
- 348 g. Whether the proposal has adequate safeguards in place to ensure the city
- 349 or the private entity has the opportunity to add capacity to the P3
- 350 qualifying project or other facilities serving similar predominantly public
- 351 purposes;
- 352
- 353 h. Whether the P3 qualifying project will be owned by the city upon
- 354 completion or termination of the project and payment of amounts
- 355 financed;
- 356
- 357 i. Whether there is a public need for or benefit derived from the P3
- 358 qualifying project;
- 359
- 360 j. Whether the estimated cost of the P3 qualifying project is reasonable in
- 361 relation to similar facilities; and
- 362
- 363 k. Whether the proposal will result in the timely acquisition, design,
- 364 construction, improvement, renovation, expansion, equipping,
- 365 maintenance, or operation of the P3 qualifying project.
- 366

Changes from January 8, 2019 Reading

- 367 (8) The city manager may reject an unsolicited P3 detailed proposal at any time. The
368 city has complete discretion and authority to reject any unsolicited P3 detailed
369 proposal it receives.
- 370
- 371 (9) If the city decides to accept an unsolicited P3 detailed proposal for competitive
372 review, the city must advertise the potential opportunity and accept competing
373 P3 detailed proposals.
- 374
- 375 a. The advertisement must include:
- 376
- 377 1. A general description of the P3 qualifying project; an invitation to
378 submit a competing P3 detailed proposal for the P3 qualifying
379 project with a P3 ~~solicited detailed~~ proposal review fee;
380
- 381 2. Notice that submittals may propose the identical project, a
382 functionally equivalent project, or an alternative project
383 achieving the same purpose or using the same city resources as
384 the proposed project;
- 385
- 386 3. Notice about how to obtain more detailed information; and
- 387
- 388 4. A due date for responding, which ordinarily will be forty-five (45)
389 days after initial publication, but which may be up to one
390 hundred twenty (120) days as the circumstances warrant.
- 391
- 392 b. The city must advertise the potential opportunity:
- 393
- 394 1. In the Florida Administrative Register at least once a week for
395 two consecutive weeks;
- 396
- 397 2. In a newspaper of general circulation within the city at least once
398 a week for two weeks, the first of which shall be published at
399 least twenty-one (21) days prior to the due date for competing
400 proposals;
- 401
- 402 3. On the city's website in the same manner as competitive P3
403 solicitations; and
- 404
- 405 4. At city hall in the same manner as other public notices issued by
406 the city.
- 407

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- 408 (10) If an unsolicited P3 detailed proposal involves architecture, engineering, or
409 landscape architecture, the city will engage licensed professionals for review and
410 evaluation of the initial and any subsequent proposals, in accordance with F.S.
411 255.065(3)(a)5.
- 412
- 413 (d) Solicited P3 detailed proposals.
- 414
- 415 (1) The city may on its own initiative issue a P3 solicitation inviting private entities to
416 submit P3 detailed proposals for any opportunity the city identifies as a P3
417 qualifying project.
- 418
- 419 (2) Any P3 solicitation the city issues under the authority of the P3 statute must
420 identify the P3 statute and the city’s related code sections as the governing
421 procurement process. The P3 solicitation documents must specify information
422 necessary for interested parties to understand and respond to the P3 solicitation.
- 423
- 424 (3) If a P3 solicitation under the P3 statute includes design work, the P3 solicitation
425 must include a design criteria package prepared by a licensed architect, landscape
426 architect, or engineer engaged by the city in accordance with F.S. 255.065(3)(c).
- 427
- 428 (4) The city is not obligated to proceed under the P3 statute when soliciting
429 proposals, and may follow any legally available procurement process, regardless
430 of whether the project constitutes a P3 qualifying project and regardless of
431 whether the ultimate transaction may be characterized as a P3.
- 432
- 433 (e) Competitive review and negotiation of P3 detailed proposals.
- 434
- 435 (1) Whether received in response to a P3 solicitation under the P3 statute or in
436 response to an advertisement concerning an unsolicited P3 detailed proposal,
437 within ten (10) business days after the receipt of all competing P3 detailed
438 proposals, the city manager will designate a negotiation team to conduct
439 negotiations concerning the P3 qualifying project. The negotiation team will
440 consist of at least three (3) persons who collectively have knowledge and
441 experience in contract negotiations, the subject matter related to the P3
442 qualifying project, public procurement, and project management. No person with
443 a financial interest in the outcome of the negotiation team’s efforts or in the P3
444 qualifying project may participate on the negotiation team.
- 445

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- 446 (2) The negotiation team meetings are temporarily exempt from Florida’s Sunshine
447 Law as provided in F.S. 286.0113(2) and F.S. 255.065(15). The city will record and
448 preserve as required by law any exempt portion of a negotiation team meeting.
449
- 450 (3) The negotiation team may rely on subject matter experts and city staff for
451 information gathering and administrative work, but the negotiation team alone
452 possesses and exercises authority for all recommendations concerning the P3
453 detailed proposals.
454
- 455 (4) The negotiation team will initially review the P3 detailed proposals and determine
456 whether to allow oral presentations, interviews, or discussions to gain a deeper
457 understanding of the P3 detailed proposals. The negotiation team is not required
458 to allow oral presentations, interviews, or discussions. Any oral presentations,
459 interviews, or discussions will be limited to reviewing and discussing information
460 contained in the P3 detailed proposals and will not include or constitute
461 substantive negotiations related to any P3 detailed proposal or the P3 qualifying
462 project.
463
- 464 (5) Within forty-five (45) business days after its appointment, or after the final oral
465 presentation, interview, or discussion, whichever is later, the negotiation team
466 will rank the P3 detailed proposals in order of preference and forward its ranking
467 recommendations to the city manager for approval. Before ranking the proposals,
468 the negotiation team may meet as often as it deems necessary to discuss details
469 and strategies related to the P3 detailed proposals and the P3 qualifying project.
470 The negotiation team will strive for consensus, but a majority may establish the
471 ranking. The negotiation team may use any reasonable method to rank the P3
472 detailed proposals and is not required to numerically score them. In ranking the
473 P3 detailed proposals, the negotiation team members will consider the private
474 entity team members’ professional qualifications and experience, the proposed
475 general business terms, innovative project delivery terms (including finance,
476 design, construction, maintenance, and operation, as applicable), and any other
477 factors indicated in the advertisement or P3 solicitation.
478
- 479 (6) Upon the city manager’s approval of the negotiation team’s ranking, the
480 negotiation team will commence negotiations with the private entity responsible
481 for the top-ranked proposal. If the negotiation team is unable to successfully
482 negotiate a contract for a higher-ranked proposal, contract negotiations will
483 commence with the next ranked proposal. The negotiation team must conduct
484 all negotiations in accordance with the P3 statute.
485

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- 486 (7) The negotiation team may recommend to the city manager that the city and the
487 private entity enter into an interim or comprehensive agreement as described in
488 the P3 statute. The negotiation team and the city manager are not authorized to
489 enter into or otherwise bind the city to an interim or comprehensive agreement.
490 Any negotiated agreement will be brought to the city commission for
491 consideration and approval.
492
- 493 (8) In deciding whether to enter into a comprehensive agreement, the city
494 commission will consider and determine all reasonable factors, including but not
495 limited to:
496
- 497 a. Whether the proposed project is a P3 qualifying project;
498
- 499 b. Whether the P3 qualifying project is in the public’s best interest;
500
- 501 c. Whether the P3 qualifying project involves a facility owned by the city or
502 a facility for which ownership will be conveyed to the city;
503
- 504 d. Whether the comprehensive agreement has adequate safeguards in
505 place to ensure that additional costs or service disruptions are not
506 imposed on the public in the event of material default by the private
507 entity or cancellation of the P3 qualifying project by the city;
- 508 e. Whether the comprehensive agreement has adequate safeguards to
509 ensure the city or the private entity has the opportunity to add capacity
510 to the P3 qualifying project or other facilities serving similar
511 predominantly public purposes;
- 512 f. Whether the P3 qualifying project will be owned by the city upon
513 completion or termination of the project and payment of amounts
514 financed;
- 515 g. Whether there is a public need for or benefit derived from the P3
516 qualifying project;
- 517 h. Whether the estimated cost of the P3 qualifying project is reasonable in
518 relation to similar facilities; and
- 519 i. Whether the comprehensive agreement will result in the timely
520 acquisition, design, construction, improvement, renovation, expansion,
521 equipping, maintenance, or operation of the P3 qualifying project.

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522 Before entering into a comprehensive agreement, the city will consider the finance plan,
523 the P3 qualifying project cost, revenues by sources, available financing, major
524 assumptions, internal rate of return on private investments, if governmental funds are
525 assumed in order to deliver a cost-feasible, and a total cash-flow analysis beginnings with
526 the implementation of the project and extending for the term of the comprehensive
527 agreement, and any other matters which are set forth in F.S. 255.065(3)(e).

528
529 (f) Public records.

530
531 (1) Information made or received by the city in connection with the transaction of
532 the city’s official business is subject to the Florida Public Records Law. P3
533 unsolicited proposals received by the city are temporarily exempt from the Public
534 Records Law as provided in F.S. 255.065(15).

535
536 (2) If a private entity believes any information it submits to the city is exempt from
537 the Public Records Law under any additional statutory exemptions, the private
538 entity must expressly identify the statutory basis of the claimed exemption and
539 segregate the exempt information.

540 **Secs. 2-420421 – 2-500. – Reserved.”**

541
542
543 2.03 The City Commission hereby approves and adopts the following amendments and additions to
544 the Code of the City of North Port, Florida:

545
546 **“APPENDIX A – CITY FEE STRUCTURE**

547
548 The following establishes the fees for the city.

549
550 **A. CITY-WIDE FEES**

<u>CITY-WIDE FEES</u>	
<u>...</u>	
<u>Notary fee (per notarized document)</u>	<u>\$ 5.00</u>
<u>Public-private partnership (P3) review fees:</u>	
<u>P3 conceptual proposal review fee</u>	<u>\$ 5,000.00</u>
<u>P3 solicited detailed proposal review fee</u>	<u>\$25,000.00</u>

<u>Initial P3 unsolicited detailed proposal review fee, where the submitting entity has not paid a P3 conceptual proposal review fee for a substantially similar P3 conceptual proposal</u>	<u>\$ 25,000.00</u>
<u>Initial P3 unsolicited detailed proposal review fee, where the submitting entity has already paid a P3 conceptual proposal review fee for a substantially similar P3 conceptual proposal</u>	<u>\$ 20,000.00</u>
<u>...</u>	

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SECTION 3 – SEVERABILITY

3.01 If any section, subsection, sentence, clause, phase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4 – CONFLICTS

4.01 In the event of any conflicts between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

SECTION 5 – CODIFICATION

5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. These editorial notations shall not appear in the codified text.

SECTION 6 – EFFECTIVE DATE

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY by the City Commission of the City of North Port, Florida in public session the 11th day of December 2018.

READ BY TITLE ONLY by the City Commission of the City of North Port, Florida in public session the 8th day of January 2019.

PASSED and ADOPTED by the City Commission of the City of North Port, Florida on final reading in public session this 23rd day of April 2019.

CITY OF NORTH PORT, FLORIDA

Changes from January 8, 2019 Reading

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CHRISTOPHER HANKS

MAYOR

592 ATTEST:

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KATHRYN WONG

CITY CLERK

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600 APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON

CITY ATTORNEY

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