



THE CITY OF KEY WEST

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EXECUTIVE SUMMARY

TO: Jim Scholl, City Manager
FROM: Jim Young, Director of Code Compliance *JY*
DATE: 2 Jun 15
SUBJECT: RFP 06-015 for Code Compliance Special Magistrate

ACTION STATEMENT:

The City Commission will elect an appropriate candidate and alternate to serve as the Code Compliance Special Magistrate, as well as authorize the City Manager to negotiate a contract with the selected individual(s).

BACKGROUND:

Pursuant to Florida Statute 162.03, the City of Key West established a Code Compliance system with quasi-judicial hearings being overseen by a special magistrate. The purpose of these hearings is to provide an opportunity for substantive due process for alleged code violators and the City of Key West, as well as hearing certain appeals as provided by the Code of Ordinances,

In 1998, an RFP was issued soliciting bids from qualified attorneys seeking to act as the City's Code Compliance Special Magistrate. At that time J. Jefferson Overby submitted a proposal and was awarded the contract and has been given multiple extensions to this contract. That contract expired February 28, 2015.

On approximately April 19, 2015 the Invitation to Bid was published in the Citizen newspaper. On May 6, 2015 at 9:00 a.m. a mandatory pre-proposal conference was held at the City Commission Conference room, 3126 Flagler Avenue, Key West, FL.

On May 20, 2015 the four (4) sealed bid proposals were opened at the City Clerk's Office. The four individuals that responded to the RFP are Albert L. Kelley, J. Jefferson Overby, David Van Loon and Donald E. Yates.

A Ranking Committee was established by the City Manager comprised of five (5) city staff. The four (4) proposers were evaluated by this ranking team on June 1, 2015. During the evaluation there was discussion regarding one of the proposers, J. Jefferson Overby, not submitting required information; a professional resume and the

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five (5) addendums. The Ranking Committee did rank Mr. Overby with the understanding that the City Commission shall decide if Mr. Overby's proposal should be considered non-responsive. The four (4) proposers were evaluated based on the following criteria:

- Qualification and experience in litigation and quasi-judicial proceedings. **Max. 30 points**
- Prior experience as judicial or quasi-judicial officer. **Max. 20 points**
- Training and experience in Florida local government. **Max. 20 points**
- Proposed fee arrangement **Max. 25 points**
- Demonstrated positive community relations **Max. 5 points**

Maximum possible points 500

The Ranking Committee created a list of the proposers, based on the above criteria and point scale, for the City Commission to rank - in order of the most qualified first. The list consists of the following proposers with their ranking score and fee proposal:

1. Donald E. Yates 442 points
Fee Proposal
Monthly Fee: \$1,300.00
Additional Hourly Rate: \$300.00-\$350.00

2. J. Jefferson Overby 355 points
Fee Proposal
Monthly Fe: \$1,530.00
Additional Hourly Rate: \$400.00
Malpractice Insurance: \$71.75 per month

3. Albert L. Kelley 337 points
Fee Proposal
Monthly Fee: \$1,500.00
Additional Hourly Rate: \$250.00

4. David Van Loon 310 points
Fee Proposal
Monthly Fee: \$1,500.00
Additional Hourly Rate: \$250.00

City staff have provided for the City Commission RFP 06-015 and all four (4) bid proposals for their review.