



EXECUTIVE SUMMARY

To: Jim Scholl, City Manager

From: Donald Leland Craig, AICP, Planning Director

Meeting Date: September 6, 2011

RE: A resolution to consider a request for the approval of the Master Agreement Contract to Prepare Evaluation and Appraisal Report Amendments to the Comprehensive Plan of the City of Key West with the Corradino Group, Inc.

ACTION STATEMENT

Request: That the City Commission approve the Master Agreement Contract to Prepare Evaluation and Appraisal Report Amendments to the Comprehensive Plan of the City of Key West with the Corradino Group, Inc.

BACKGROUND:

The City is required to update its Comprehensive Plan as required by state law. The last major update to the Comprehensive Plan was adopted in 1993. The City's first Evaluation and Appraisal Report (EAR) was due in 1998; however, it was not until 2005 that the EAR was found to be sufficient by the state. The second EAR was due in 2006 and was found in compliance by the State in 2007. However, although the evaluation and appraisal processes were considered complete, the amendments identified in both reports were never drafted. There is little difference between the 2005 and 2007 reports or the resulting recommended amendments. However, data and analysis to support proposed amendments included in the reports was minimum or had become obsolete, therefore background updates to several identified areas have been drafted by the Planning Department to provide a basis for a more thoughtful, up to date amendment process. In addition, state statute has changed since 2007 as it relates to Capital Improvement Planning and Water Supply Planning. Thus, the scope of necessary amendments has been expanded to contain other statutory requirements.

According to the project scope of services, the scope of work includes EAR-based amendments to the Goals, Objectives, and Policies of the Comprehensive Plan as well as the completion and/or provision of the data and analysis necessary to support the EAR-based amendments. The scope also includes updates to the Capital Improvement Element and a Water Supply Plan, as required by state statute. The proposed work is not expected to constitute a complete update to the Goals, Objectives, and Policies or the data and analysis of the Comprehensive Plan; rather, it is intended to implement EAR-based

amendments and other statutory update requirements, and to ensure that any further required data and analysis to support these specific issues are provided.

In late spring of 2011 House Bill 7207 was signed into law, significantly changing much Florida's Growth Management law. The changes left largely intact Florida Statute 380 which provides the guidance and oversight of the Area of Critical State Concern that applies to the City. HB 7207 does provide some relief of the types of comprehensive plan amendments that were previously required in Evaluation and Appraisal Reports under F.S 380. One of the preliminary tasks required of the amendment process will be to review and prioritize the existing list of task orders within the EAR reports previously approved by the Department of Community Affairs. This may result in a reduction of the content necessary to complete the actual Comprehensive Plan Amendments in the future.

In order to meet the State Department of Community Affairs upcoming submittal timelines for the EAR - based amendments staff determined that a consultant was needed to aid overburdened staff and provide expertise. On February 9, 2011, Request for Proposals # 005-11 was advertised for the consultant. In response, the City received four proposals that were evaluated by a City Manager-appointed selection team at a publicly advertised meeting on April 21, 2011. Of the four proposals, the top three were ranked and recommended for City Commission approval. That list consisted of the following firms in ranking order:

1. Calvin, Giardino, & Associates, Inc.
2. The Corradino Group, Inc.
3. LaRue Planning & Management Services, Inc.

At the June 7, 2011 City Commission meeting each of the three firms was given the opportunity to present. The Commission provided the final ranking consisting of LaRue Planning & Management Services, Inc as the top choice and The Corradino Group, Inc as second. However, negotiations with LaRue Planning & Management Services, Inc were unsuccessful for failure of a team member to sign the Post Contractual Restriction (RFP # 005-11, Addendum Number 1) that was acknowledged by all team Principals at the time of receipt. Adherence to the Post Contractual Restriction is required of all consulting team members, including sub-consultants (see attached). The Post Contractual Restriction was determined by both the City Manager and City Attorney to be a non-negotiable factor for contract consideration. The relevant language of the Post Contractual Restriction, Addendum No. 1 is as follows:

Each prospective proposer should be aware that the resulting awardee shall be required to execute a Post Contractual Restriction understanding with the City of Key West, to include the selected firm as well as all subconsultants. The provision will restrict the selected firm, and subconsultant(s), from representing itself or clients before the City of Key West City Commission, its agents, boards and committees on all planning related matters during the agreement/contract period of performance and for one (1) year following final approval of the Evaluation and Appraisal Report Amendments to the Comprehensive Plan.

On July 7, 2011, LaRue Planning & Management Services, Inc. was notified in writing by the Planning Director that all members of the consulting team were required to

acknowledge and sign and the Post Contractual Restriction, Addendum No. 1. A copy of that correspondence is attached. On July 24, 2011 the Planning Department received notification that LaRue Planning & Management Services, Inc. would not be able to fulfill the contract.

Under the terms of Resolution 11 - 173 the City Commission directed the City Manager and the Planning Department to negotiate a contract with the first ranked firm, and if a contract could not be negotiated, to engage in negotiations with the second ranked team.

Previous City Actions:

City Commission Meeting

June 7, 2011

Planning Staff Analysis:

In response to Resolution 11-173, because a contract could not be negotiated with the first ranked team of LaRue Planning & Management Services, Inc., because a key member of the team was unable to sign the Post Contractual Restriction, Addendum No. 1 to RFQ # 005-11, it was determined that a material change was made to the team from that which was constituted in its original response to RFQ # 005-11. Therefore, staff has stopped negotiations and met with the second ranked Corradino Group, Inc. to negotiate a contract. The result of this negotiation is the Master Agreement to Prepare Evaluation and Appraisal Report Amendments to the Comprehensive Plan of the City of Key West contract attached to this memorandum.

Options/Advantages/Disadvantages:

Option 1: Approve the attached contract for execution by the City Manager and consultant, The Corradino Group, Inc.

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This option aids to implement the Strategic Plan and Vision because the updated Comprehensive Plan will be a key tool of implementation for both.

2. Financial Impact:

The cost to the City will be \$145,800 for the completion of the scope of work described in the contract.

Option 2: Reject the proposed contract

1. Consistency with the City's Strategic Plan, Vision, and Mission:

This option would delay updating the Comprehensive Plan and delay implementing the Plan, Vision and Mission of the City's Strategic Plan.

2. Financial Impact:

None.

Recommendation

The Planning Department recommends **approval** of Option number 1.