

**RESOLUTION 14-135**

**A RESOLUTION OF THE MANATEE COUNTY COMMISSION ADOPTING AN APPLICATION FEE FOR THE SUBMISSION OF UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP PROPOSALS; MANATEE COUNTY LOGO; DELEGATING TO THE COUNTY ADMINISTRATOR THE AUTHORITY TO ESTABLISH RELATED ADMINISTRATIVE PROCEDURES; MAKING RELATED FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF PRIOR CONFLICTING RESOLUTIONS AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners has adopted Ordinance 14-32 which, in part, creates a structure for the receipt of unsolicited proposals for public-private partnerships; and

**WHEREAS**, Florida Statute § 287.05712(4)(a) provides the County “may establish a reasonable application fee for the submission of an unsolicited proposal” and that the fee established “must be sufficient to pay the costs of evaluating the proposal” including the costs the County may incur should it “engage the services of a private consultant to assist in the evaluation”; and

**WHEREAS**, Manatee County Code 2-26-48(m) provides that the Manatee County Commission will, by resolution, establish an application fee for unsolicited proposals calculated to pay the costs of evaluating such proposals, including the costs of private consultant services engaged by the County to assist in its evaluation, as well as the costs of processing, reviewing, and evaluating responses to solicited proposals, including, but not limited to, reasonable attorney fees and fees for financial and technical advisors or consultants and for other necessary advisors or consultants; and

**WHEREAS**, the County’s administration has examined the likely costs associated with reviewing unsolicited public-private partnerships and has recommended a base fee with the potential of additional assessments for significant added costs for review; and

**WHEREAS**, the County Commission finds that it is in the best interests of the County to adopt this fee resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County

Commissioners of Manatee County, Florida:

1. Persons or entities submitting unsolicited proposals for public-private partnerships under the authority of Florida Statute § 287.05712 and Manatee County Code 2-26-48 shall include with the proposal package a base submission fee of \$5,000.
2. If the County Administrator or designee determines the actual, non-speculative costs of evaluating a given unsolicited proposal or responses to solicited proposals submitted as a result of the procurement process which results from the unsolicited proposal, including, but not limited to, the costs of processing, reviewing, and evaluating same, reasonable attorney fees, fees for financial and technical advisors or consultants and fees for other necessary advisors or consulting services engaged by the County to assist in its evaluations, the County Administrator or designee is authorized to require a supplemental fee before proceeding further with the review. However, no such supplemental fee shall exceed an additional \$5,000.
3. In the event the County Commission approves a public-private partnership agreement, the Commission reserves the right to authorize the refunding of all or any part of the successful proposer's submission fee.
4. The County Administrator is authorized to develop administrative procedures and forms which may be deemed necessary and useful to implement the provisions of this Resolution. No such procedures shall be inconsistent with the terms of this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall be effective upon adoption.

**BE IT FURTHER RESOLVED** that any prior Resolution or portion thereof of the Board of County Commissioners which contains terms or provisions which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

**BE IT FURTHER RESOLVED** that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

**ADOPTED** in open session, with a quorum present and voting, this 23<sup>rd</sup> day of September, 2014.

ATTEST: R. B. SHORE  
CLERK OF THE CIRCUIT COURT

**BOARD OF COUNTY COMMISSIONERS  
OF MANATEE COUNTY, FLORIDA**

By: Rubin Liberty  
Deputy Clerk



Larry Bustle  
Chairperson