

LEE COUNTY ORDINANCE NO. 92-22

AN ORDINANCE ESTABLISHING A UNIFORM METHOD FOR COUNTY SELECTION OF SERVICES WITHIN THE SCOPE OF THE PRACTICE OF ARCHITECTURE, PROFESSIONAL ENGINEERING, LANDSCAPE ARCHITECTURE, OR LAND SURVEYING IN LEE COUNTY, FLORIDA; PROVIDING FOR DEFINITIONS; PROVIDING FOR WAIVER; PROVIDING SUPPLEMENTAL AUTHORITY; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes Section 287.055 known as the "Consultants Competitive Negotiations Act" provides a uniform method for County selection of services within the scope of the practice of architecture, professional engineering, landscape architecture, or land surveying; and

WHEREAS, Florida Statutes Section 287.055 provides that the County can adopt administrative procedures for the evaluation of professional services and can consider such factors as the County determines to be applicable to its particular requirements; and

WHEREAS, the "Consultants Competitive Negotiations Act" provides a procedure for the County to select professional services for planning or study activities and for projects when the costs of same exceed established thresholds; and

WHEREAS, the County has determined that it is in the County's best interests and the public's health and welfare to establish a procedure for projects and services whereby the firms providing ~~professional services for project feasibility~~ are not eligible for consideration for project design and/or resident inspection services.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

SECTION ONE: DEFINITIONS

The definitions set forth and used in Florida Statutes Section 287.055(2) shall be applicable to the terms used herein and said definitional subsection is incorporated herein.

SECTION TWO: INTENT

It is the intent of this Ordinance that the County will not select, engage, or use on a County project the same professional services firm for both project feasibility planning or study analysis and for project design and/or construction related services.

SECTION THREE: SELECTION PROVISIONS

The following provisions are applicable to the County selection, engagement, and use of professional services for County projects exceeding an estimated basic construction cost of One Hundred Thousand Dollars (\$100,000.00) and for which professional services are required to be secured pursuant to Florida Statutes Section 287.055 "Consultants Competitive Negotiations Act".

A. The County is prohibited from soliciting a professional services firm to perform project design and/or construction services if the firm has or had been retained to perform the project feasibility planning or study analysis.

B. A professional services firm who has performed project feasibility planning or study analysis on a County project cannot be selected or retained to perform project design or construction services for that project.

C. Unless waived, as set forth in Section Four hereof, requests for services shall contain a concise statement putting all prospective proposers on notice of this restriction.

D. The provisions of this Section and Subsections may be waived and set aside by the Board of County Commissioners as provided in Section Four hereof.

SECTION FOUR: WAIVER

The provisions of this Ordinance may be waived and set aside by the Board of County Commissioners for an identified project on a finding of due cause and upon a favorable vote for waiver by four (4) members of the Board of County Commissioners.

SECTION FIVE: SUPPLEMENTAL AUTHORITY

The provisions of this Ordinance are supplemental to the provisions of Florida Statutes Section 287.055 and not in derogation thereof.

SECTION SIX: SEVERABILITY

The provisions of this Ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this Ordinance shall be held unconstitutional by any court of competent jurisdiction, the

decision of such court shall not affect or impair the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

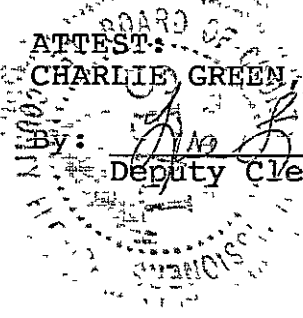
SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall become effective immediately upon receipt of official acknowledgment from the Office of the Secretary of State of Florida that the Ordinance has been filed

THE FOREGOING ORDINANCE was offered by Commissioner John Manning who moved its adoption. The motion was seconded by Commissioner Donald Slisher and, upon being put to a vote, the vote was as follows:

JOHN MANNING	<u>AYE</u>
VICKI LOPEZ-WOLFE	<u>AYE</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DONALD SLISHER	<u>AYE</u>

DONE AND ADOPTED this 4th day of March, 1992.



ATTEST:
CHARLIE GREEN, CLERK
By: *Ann R. Pierce*
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA
By: *[Signature]*
Chairman

APPROVED AS TO FORM:
LEE COUNTY ATTORNEY'S OFFICE
By: *James M. Greer*
County Attorney