



# Leon County

## Board of County Commissioners

301 South Monroe Street, Tallahassee, Florida 32301  
(850) 606-5302 www.leoncountyfl.gov

Purchasing Division  
1800-3 Blair Stone Road  
(corner of Miccosukee and Blair Stone Roads)  
Tallahassee, Florida 32308  
(850) 606-1600

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County Attorney

April 16, 2013

RE: RFP Title: Commercial Property Assessment Clean Energy (PACE) Administrator  
RFP No: BC-04-25-13-37  
Opening Date: Thursday, April 25, 2013 at 2:00 PM

### ADDENDUM #1

Dear Vendor:

This letter serves as Addendum #1 for the above referenced project.

The following is a list of questions and answers from a compilation of questions received reference this RPF:

1. The RFP refers to a dependent special district when describing the County's program and in describing the entity the Consultant will be serving. Since the use of a dependent special district is both cumbersome for the County and is not necessary for the operation of a program described in section 163.08, Florida Statutes, will the County favorably review and consider a proposal which does not require or utilize the establishment or operation of a dependent special district?

*A: Leon County plans to utilize the existing Special District to operate its PACE Program.*

2. Is the RFP intended to preclude a regional or larger operating area program from responding? Would a regional or larger operating area program be favorably reviewed and considered by the County?

*A: A regional operating area is not precluded; however Leon County does not intend to delay the launch of our program in order to accommodate coordination among jurisdictions. All responsibility of interlocal coordination shall remain with the Respondent.*

3. Would the County favorably review and consider a respondent with a program which already incorporates both third party administration and program financing services, and which involves an interlocal agreement with another governmental entity?

*A: The County would consider a respondent's proposal with some or all of these features.*

4. If a respondent's program has already been judicially validated, including the validity and enforceability of the underlying special assessments, and such validation is applicable to a program in Leon County, would this be a positive factor in the County's review and consideration of a response?

*A: To the extent that judicial validation has occurred, it has not resolved the legal ramifications for Leon County.*

5. The RFP continuously refers to a "Consultant" (or "private partner") which seems to imply a single, non-governmental entity. Would the County favorably review and consider a response from a governmental unit rather than a private "Consultant"?

*A: The County would consider a respondent's proposal with this feature.*

*Section 1: Introduction states "The County is requesting proposals to identify and evaluate a third-party administrator...dependent upon final contract or participation in an Interlocal Agreement, to..."*

6. The RFP refers to a dependent special district when describing the County's program and in describing the entity the Consultant will be serving. Since the use of a dependent special district (1) is contrary to advancing regional cooperation and uniformity among adjacent communities, (2) may be cumbersome and more expensive for the County to administer, (3) will not shield the County from liability, and (4) is not legally necessary for the operation of the program described in section 163.08, Florida Statutes:

- (a) will you please fairly explain this request to the County Commission, and seek updated policy direction due to the passage of time and change in circumstances over the years since adoption of the dependent special district; and,

*A: Leon County plans to utilize the existing Special District to operate its PACE Program.*

- (b) will you confirm that evaluation of any response which does not require or utilize the use, establishment or operation of a dependent special district will not be considered non-responsive or otherwise penalized in the evaluation process?

*A: Leon County will deem responsive a proposal which does not require or utilize a special district.*

7. The Introduction refers to a "private partner" as the "Consultant". Is this reference intended to eliminate or predetermine that a response by or on behalf of a local governmental entity will be deemed non-responsive or otherwise penalized in the evaluation process?

*A: The County would consider a respondent's proposal with this feature.*

*Section 1: Introduction states "The County is requesting proposals to identify and evaluate a third-party administrator...dependent upon final contract or participation in an Interlocal Agreement, to..."*

8. Is the RFP intended to preclude the use of a uniform and scalable program (which can, but does not have to be, limited locally to the nature and amount of qualifying improvements funded and financed) delivered through interlocal agreement by another special purpose government? If not, will a response that presents such an opportunity be considered non-responsive or otherwise penalized in the evaluation process?

*A: The County would consider a respondent's proposal with this feature.*

*Section 1: Introduction states "The County is requesting proposals to identify and evaluate a third-party administrator...dependent upon final contract or participation in an Interlocal Agreement, to..."*

9. Will the County commit to viewing favorably a response that is easily adopted by other adjacent counties, at no cost to the County or those other counties, which advances and expedites program acceptance in the larger metropolitan area including not only Leon County, but also Gadsden County, Franklin County, Wakulla County, and Jefferson County? If not, will you please fairly explain the policy ramifications of this request to the County Commission, and seek direction concerning the use and advantages of more regional opportunities and structures? If so, will a response that presents such an opportunity be considered non-responsive or otherwise penalized in the evaluation process?

*A: A regional operating area is not precluded; however Leon County does not intend to delay the launch of our program in order to accommodate coordination among jurisdictions. All responsibility of interlocal coordination shall remain with the Respondent.*

10. If a respondent's program has already been judicially validated, including the validity and enforceability of the underlying special assessments, the process of contracting with a local government, the determination that Leon County is not liable for the program implementation or debt to be issued, and such validation is applicable to a program in Leon County, will you add this to the evaluation criteria as a positive factor in the County's review and consideration of a response?

*A: To the extent that judicial validation has occurred, it has not resolved the legal ramification for Leon County.*

11. Will the County include a cooperative purchasing provision in its RFP to benefit other potentially interested local governments? The public purpose for such a provision is that if included in a RFP, or any amendment, such provision promotes opportunities for cooperative purchasing. Cooperative purchasing activity seeks to minimize the transactional burden of good public procurement while spreading its resulting value across, or makes available the opportunity to, a number of different local government buyers. Such language requested is as follows and is a thoughtful public service at no cost or liability to the County:

**"Cooperative Purchasing.** Pursuant to their own governing laws, and subject to the agreement of provider(s) or consultant(s) selected by the County (hereinafter collectively referred to in this provision as the "Consultant"), other governmental entities may be permitted to contract with the Consultant for the purchase of goods or services at and upon the terms and conditions resulting from this procurement. Any such purchase of goods or services by another governmental entity shall be independent of any contract or agreement between the County and the Consultant, and the County shall not be a party in any manner whatsoever to any transaction between the Consultant and any other purchaser of such goods and services. This provision is solely for the public purpose of making available cooperative purchasing opportunities to other local governments."

*A: Leon County will include the ability for other government entities to "piggy back" as a component of the Agreement.*

12. What investigation or proof requirement will the County undertake to assure that financing discussed by a Respondent is actually available, as opposed to oral statements or other unsubstantiated promises, or other non-binding statements of the belief that funding is or may be available? Also, will you add the proof or demonstration of available funding and financing to the evaluation criteria as a positive factor in the County's review and consideration of a response?

*A: Leon County intends to seek necessary resources to contribute to the review and validation of financing proposals. Proof or demonstration of available funding and financing will be viewed favorably.*

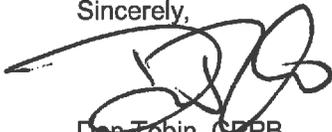
13. The introduction section refers to energy efficiency and renewable energy improvements of commercial property. Will the County also allow for the financing of wind resistance improvements as authorized by section 163.08, Florida Statutes? If not, will you please fairly explain this request to the County Commission, and seek direction due to the passage of time and change in circumstances since adoption of the referenced dependent special district?

*A: Section 15-9 of the Ordinance lists qualifying improvements, of which wind resistant enhancements are described.*

Acknowledgment of this addendum is required as part of your RFP submittal. Failure to acknowledge this addendum may result in rejection of your RFP.

Should you have any questions, feel free to call me at (850) 606-1600.

Sincerely,



Don Tobin, CPPB  
Purchasing and Contract Administrator

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