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**MEMORANDUM**

*\* Board Certified by the Florida Bar in  
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DATE: April 23, 2018

TO: Chairman Chris Alahouzos  
Vice Chairman David Banther  
Board Member Rea Seiber  
Board Member Susan Miccio-Kikta  
Board Member Jacob Karr

FROM: Jay Daigneault, Esq.

CC: Mark LeCouris, City Manager  
Irene Jacobs, City Clerk

RE: 144 E. Tarpon Avenue proposals and award procedure

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Dear Chairman, Vice Chairman, Board Members:

In advance of the May 9, 2018 of the CRA concerning the review of proposals and award of RFP No. 180060-P-CM (Redevelopment of the property at 144 E. Tarpon Avenue), this memorandum is submitted to outline the process suggested to be employed in such award.

**I. Legal Requirements**

In general, the Florida Sunshine Law mandates that all meetings of any municipal board are open to the public. See § 286.011, Fla. Stat. However, there are some general exemptions that include competitive solicitation. Sec. 286.0113 (2) (b) states that: “[a]ny portion of a meeting at which a negotiation with a vendor is conducted pursuant to a competitive solicitation, at which a vendor makes an oral presentation as part of a competitive solicitation, or at which a vendor answers questions as part of a competitive solicitation is exempt from § 286.011, F.S.”

It must be noted that an exempt meeting, including oral competitive solicitation meetings, must be completely recorded and no portion of the exempt meeting may be held off the record. § 286.0113, Fla. Stat. Further, the recording of, and any records presented at, the exempt meeting are exempt from Florida Public Records law until such time as the agency provides notice of an intended decision or until 30 days after opening the bids, proposals, or final replies, whichever occurs earlier. If the body rejects all bids, proposals, or replies and concurrently provides notice of its intent to reissue a competitive solicitation, the recording and any records presented at the exempt meeting remain exempt from Florida Public Records law until such time as the body provides notice of an intended decision concerning the reissued competitive solicitation or until the body withdraws the reissued competitive solicitation.

## **II. Conduct of meeting**

In order to comply with the statutes referenced above, the May 9 CRA Board meeting will convene in the auditorium. The Chairperson will open the public meeting as usual, and the City Clerk will take the roll call. The Chairperson will then announce the closed session, and we will move to the second floor conference room for the presentations and Q&A sessions.

**Presentations:** Proposers will be given 20 minutes for a presentation, followed by Q&A. Presentations will be made based on the order of when the proposals were received. Only one presenter group will be allowed in the room at one time:

(1) CKRH (2) Crossfit (3) SmithEquity

Once the presentations and Q&A are complete, the closed portion of the meeting will be adjourned, and the CRA Board will reconvene in the auditorium for an open meeting consisting of deliberation, public comment, and award of bid (or rejection of all bids, at the Board's discretion).

The deliberations will be based on which project the board members feel would be the best fit for the Downtown and as described in the City Vision portion of the RFP. There is no scoring, and voting will be a simple majority.

### **Distribution of Proposals**

At the April 24 CRA Board Meeting, Procurement will have the proposals for distribution along with a confidentiality document each board member must sign. The City Attorney will give an explanation of confidentiality, including a reminder that proposals are not yet public record and there is to be no contact with proposers or sharing of information among each other.

Should you have any questions or concerns regarding this memorandum, please do not hesitate to contact me directly.

/s/ Jay Daigneault, Esq.  
City Attorney