

MODIFICATION
OF
ORIGINAL DOCUMENT

040831

Date: 21 September, 2004

To : Mayor Hanrahan and City Commissioners

From: Bruce Delaney 376-6414

I describe, below, the system that I remember the City Commission using which resulted in the hiring of Wayne Bowers as City Manager. Others who took part might remember some details a little differently but what I provide to you is accurate allowing for a couple of lapses in memory over the last decade.

Unfortunately, I have to be out of town when you are holding your meeting to discuss this matter. I would like to offer to be helpful in any way that you think I can be. If you appoint a citizens committee to help with the search, I would be most anxious to participate.

When I served on the Commission and we were searching for a manager, I called former Mayor/Commissioner Jean Chalmers to ask her for advice. She said: "Yes Bruce, I have advice for you. Don't screw this up. Hiring a Manager is the most important decision that you will make while you are on the Commission."

I offer you the same advice. I hope that ten years from now, you can feel as good about your part in hiring a Manager as I do about my part in hiring Wayne.

Search Process that resulted in the city hiring Wayne Bowers

- 1) Hire a quality interim manager thus removing the need to find a replacement quickly.
- 2) Hire a consultant to field the original applications and pare down the list to a workable number. I believe that we hired the Mercer Group in Atlanta. They narrowed the field to twenty candidates.
- 3) Mercer Group sent us all the information on the top twenty candidates. A complete packet was provided to every commissioner on each of the twenty candidates. Each commissioner committed to devoting a full weekend (the same weekend for everyone) to reading the files and ranking the candidates.
- 4) Each commissioner chose five favorites and up to five 'least favorites'.
- 5) At our next meeting we all (each commissioner) submitted our lists to the Clerk. By combining the top five candidates of each commissioner and then choosing the five candidates who had the most support among the commissioners, an overall top five list emerged. At this point, there was no point system.

- 6) We had an agreement that any names that appeared on any commissioner's 'least favorite' list would not be included in the top five. I particularly appreciated this because I was on the losing end of a lot of 4-1 and 3-2 votes on that commission and I thought that this was a genuine bridge-building gesture on the part of the majority. It gave me assurance that someone who was unacceptable to me would not be railroaded in.
- 7) Once we had our list of top five candidates, all five were invited to Gainesville for a series of meetings with the commission and staff. To be completely candid, I only remember three of the five candidates.
- 8) The Commission met with the final candidates and then we voted. We had a weighted system which I think was three points for our (each commissioner's) first choice, two votes for second choice and one point for third choice.
- 9) We then announced our votes, one at a time, and the Clerk tallied them. I think one way to improve the system that we used would be to have the Mayor and Commissioners hand in their ballot to the Clerk and let him tally them thus avoiding the temptation for commissioners to change their own vote as their turn to announce their vote approaches. I think you would save yourselves procedural headache if you simply mark up a ballot with your top three choices in order and hand them in to the Clerk.
- 10) The vote for the top two, Wayne Bowers and a gentleman from Fort Lauderdale, was so close that we detailed some people to go to the city being managed by the top two vote getters and look for any warts. As always, Wayne got lucky and some horrendous storm appeared which pretty much ended the visits to the two cities and Wayne was hired.
- 11) Our system produced a good result and I think that you would be wise to use it or some similar system that values the vote of each commissioner equally while recognizing that eventually there has to be a vote and someone has to be hired.

DRAFT

**CITY OF GAINESVILLE
REQUEST FOR PROPOSALS FOR
EXECUTIVE SEARCH FOR CITY MANAGER**

SECTION I - REQUEST FOR PROPOSAL OVERVIEW & PROPOSAL PROCEDURES

RFP#:HRDX050066-DH

(Date)

A. INTRODUCTION/BACKGROUND

The City of Gainesville (hereafter "City") is requesting proposals from qualified firm/providers to perform an executive search service for the position of City Manager. This firm/provider will assist the City Commission and City staff with the recruitment of a new City Manager. The most recent City Manager had been in this position since 1995 and resigned October 15, 2004. An interim City Manager is currently serving until such time that the recruitment of the City Manager is complete.

The City of Gainesville is the county seat and largest city in Alachua County with a population estimate of 117,754. It is home to the University of Florida and Santa Fe Community College. The City is operated under a Commission-Manager form of government. The City Commission is comprised of six elected commissioners and the mayor. There are six charter officers reporting to the Commission-City Manager, General Manager for Utilities, City Attorney, City Auditor, Clerk of the Commission and Equal Opportunity Director. City staff reporting to the City Manager is comprised of approximately 1,300 employees. ~~The City owns and operates including approximately 225 employees in a regional transit system and regional electric, water, wastewater, natural gas and telecommunication utilities system.~~ The General Manager for Utilities oversees the utility operations and reports directly to the City Commission. The services provided by the utility include regional electric, water, wastewater, natural gas and a telecommunication system.

B. RFP TIME TABLE

The anticipated schedule for the RFP and contract approval is as follows:

RFP available for distribution	(date)
[Mandatory]Pre-Proposal Conference	No pre-proposal conference
Deadline for receipt of questions	(date)
Deadline for receipt of proposals	(date)

DRAFT

(3:00 p.m. local time)

Evaluation/Selection process	Week of (date)
Oral presentations, if conducted	Week of (date)
Projected award date	(date)
Projected contract start date	(date)

C. PROPOSAL SUBMISSION

One original and _____ copies (a total of _____) of the complete proposal must be received by (date) at 3:00 p.m. local time at which time all proposals will be publicly opened.

The original, all copies, and the separate sealed price envelope, if required, must be submitted in a sealed envelope or container stating on the outside the proposer’s name, address, telephone number, RFP title, number and due date and delivered to:

City of Gainesville
General Government Purchasing
200 East University Avenue, Room 339
Gainesville, Florida 32601

Hand-carried and express mail proposals may be delivered to the above address **ONLY** between the hours of 8:00 a.m. and 5:00 p.m., local time, Monday through Friday, excluding holidays observed by the City.

Proposals may be mailed to:

City of Gainesville
General Government Purchasing, Mail Station 32
P.O. Box 490
Gainesville, Florida 32602

Proposers are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

Any proposal received after 3:00 p.m. (local time), (date) will not be considered and will be returned unopened.

DRAFT

Both the Technical Proposal and the Price Proposal, if required to be submitted in a separate envelope, must be signed by an officer of the company who is legally authorized to enter into a contractual relationship in the name of the proposer, and proposer(s) must affix their company's corporate seal to both Proposals. In the absence of a corporate seal, the Proposals must be notarized by a Notary Public.

The submittal of a proposal by a proposer will be considered by the City as constituting an offer by the Proposer to perform the required services at the stated fees.

D. CONTACT PERSON

The contact person for this RFP is Diane Holder at (352) 334-5021 in Purchasing. Explanation(s) desired by proposer(s) regarding the meaning or interpretation of this RFP must be requested from the contact person, in writing, as is further described below.

Proposers are advised that from the date of release of this RFP until award of the contract, NO contact with City personnel related to this RFP is permitted, except as authorized by the contact person. Any such unauthorized contact may result in the disqualification of the proposer's submittal.

E. ADDITIONAL INFORMATION/ADDENDA

Requests for additional information or clarifications must be made in writing no later than the date specified in the RFP Timetable. The request must contain the proposer's name, address, phone number, and facsimile number. Electronic facsimile will be accepted at (352) 334-3163.

Facsimiles must have a cover sheet which includes, at a minimum, the proposer's name, address, number of pages transmitted, phone number, and facsimile number.

The City will issue responses to inquiries and any other corrections or amendments it deems necessary in written addenda issued prior to the Proposal Due Date. Proposers should not rely on any representations, statements or explanations other than those made in this RFP or in any addendum to this RFP. Where there appears to be a conflict between the RFP and any addenda issued, the last addendum issued will prevail.

It is the proposer's responsibility to be sure all addenda were received. The proposer should verify with the designated contact persons prior to submitting a proposal that all addenda have been received. Proposers are required to acknowledge the number of addenda received as part of their proposals.

F. LATE PROPOSALS, LATE MODIFICATIONS AND LATE WITHDRAWALS

DRAFT

Proposals received after the Proposal Due Date and time are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered. Letters of withdrawal received after the Proposal Due Date or after contract award, whichever is applicable, are late and will not be considered.

G. RFP POSTPONEMENT/CANCELLATION/WAIVER OF IRREGULARITIES

The City may, at its sole and absolute discretion, reject any and all, or parts of any and all, proposals; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP or in the proposals received as a result of this RFP.

H. COSTS INCURRED BY PROPOSERS

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith shall be borne by the proposer(s). No payment will be made for any responses received, nor for any other effort required of or made by the proposer(s) prior to commencement of work as defined by a contract approved by the City Commission.

I. ORAL PRESENTATION

The City may require proposers to give oral presentations in support of their proposals or to exhibit or otherwise demonstrate the information contained therein.

J. EXCEPTION TO THE RFP

Proposers may take exceptions to any of the terms of this RFP unless the RFP specifically states where exceptions may not be taken. Should a proposer take exception where none is permitted, the proposal will be rejected as non-responsive. All exceptions taken must be specific, and the Proposer must indicate clearly what alternative is being offered to allow the City a meaningful opportunity to evaluate and rank proposals.

Where exceptions are permitted, the City shall determine the acceptability of the proposed exceptions and the proposals will be evaluate based on the proposals as submitted. The City, after completing evaluations, may accept or reject the exceptions. Where exceptions are rejected, the City may request that the Proposer furnish the services or goods described herein, or negotiate an acceptable alternative.

K. PROPRIETARY INFORMATION

Responses to this Request for Proposals upon receipt by the City become public records subject to the provisions of Chapter 119 F.S., Florida's Public Records Law. If you believe that any portion or all of your response is confidential and/or proprietary, you should clearly

DRAFT

assert such exemption and the specific legal authority of the asserted exemption. All material that qualifies for exemption from Chapter 119 must be submitted in a separate envelope, clearly identified as “TRADE SECRETS EXCEPTION,” with your firm’s [provider’s](#) name and the proposal number marked on the outside.

Please be aware that the designation of an item as a trade secret by you may be challenged in court by any person. By your designation of material in your proposal as a “trade secret” you agree to hold harmless the City for any award to a plaintiff for damages, costs or attorneys’ fees and for costs and attorneys’ fees incurred by the City by reason of any legal action challenging your claim.

L. QUALIFICATIONS OF PROPOSERS

As a part of the Proposal evaluation process, City may conduct a background investigation of proposer, including a record check by the Gainesville Police Department. Proposer’s submission of a Proposal constitutes acknowledgment of the process and consent to such investigation.

No proposal shall be accepted from, nor will any contract be awarded to, any proposer who is in arrears to City upon any debt, fee, tax or contract, or who is a defaulter, as surety or otherwise, upon any obligation to City, or who is otherwise determined to be irresponsible or unreliable by City.

If Proposer is determined to be irresponsible or unreliable, City will notify Proposer of its finding, including evidence used, and allow proposer an informal hearing and the opportunity to come into compliance within three business days of notification.

M. NEGOTIATIONS

The City may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the proposer’s best terms from a cost or price and technical standpoint.

The City reserves the right to enter into contract negotiations with the selected proposer. If the City and the selected proposer cannot negotiate a successful contract, the City may terminate said negotiations and begin negotiations with the next selected proposer. This process will continue until a contract has been executed or all proposers have been rejected. No proposer shall have any rights against the City arising from such negotiations.

N. RIGHTS OF APPEAL

Participants in this RFP solicitation may protest RFP specifications or award in accordance with Section 41-580 of the City of Gainesville’s Financial Procedures Manual.

DRAFT

O. RULES; REGULATIONS; LICENSING REQUIREMENT

The proposer shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, including those applicable to conflict of interest and collusion. Proposers are presumed to be familiar with all Federal, State and local laws, ordinances, codes and regulations that may in any way affect the services offered.

P. REVIEW OF PROPOSALS

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. A responsive proposal is one which follows the requirements of the RFP, includes all required documentation, is submitted in the format outlined in the RFP, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may deem your proposal non-responsive.

Q. LOCAL MINORITY ENTERPRISE AND LOCAL SMALL BUSINESS ENTERPRISE PARTICIPATION

It is the policy of the City of Gainesville that qualified local minority and local small business enterprises (MBEs/SBEs) as defined in the City of Gainesville’s Local MBE/SBE Procurement Program (the “Program”) shall have the maximum practical opportunity to participate in the competitive process of supplying commodities and services to the City. Notification is hereby given that local minority and local small businesses are strongly encouraged to submit a bid in response to any procurement opportunity let by the City of Gainesville. Prime contractors are strongly encouraged to utilize qualified local minority and local small subcontractors and material suppliers.

Any individual or entity that engages in fraud, misrepresentation, or other wrongful conduct, whether by act or omission, related to its participation in or eligibility to participate in the Program or in the performance of its MBE/SBE obligations under a City contract, shall be in violation of the Program. This determination shall be solely at the discretion of the City. Violators of the Program may be subject to, on an individual and/or entity basis, the debarment or suspension from participating in the City’s contracts in accordance with the City of Gainesville’s Debarment and Suspension Policy.

R. LIVING WAGE

- This contract is a covered service. (See Living Wage Decision Tree - Exhibit C attached hereto)
- This contract is **not** a covered service.

DRAFT

The Living Wage ordinance, Ordinance 020663, as amended at Ordinance 030168, and as shown on the City’s web page, applies to certain contracts for specific “Covered Services,” which the City has determined may include services purchased under this Contract, depending upon the cost/price of the contract awarded. A copy of the ordinance, as amended, will be attached to and made a part of the executed contract. Bidders/Proposers should consider the effect/cost of compliance, if any, with the requirements of the Living Wage Ordinance if the services purchased are “Covered Services”, the prime contract amount exceeds the threshold amount, the bidder/proposer meets the definition of Service Contractor/Subcontractor (and is not otherwise excluded from the application of the ordinance) and the ordinance provisions, which are incorporated herein, apply to any Covered Employees.

If applicable, the adjusted Living Wage for this contract will be \$ 9.06 per hour (Living Wage with Health Benefits) or \$ 10.31 per hour if Health Benefits are not offered.

If applicable, a successful Service Contractor/Subcontractor shall be required to execute the certification, attached as Exhibit LWC hereto, prior to the City executing the contract. Once executed, such certification will become part of the contract; however, failure to sign such certification will prevent execution of the contract, may result in forfeiture of any applicable bid or proposal bond, and could result in other adverse action.

During the performance of this contract, the Contractor agrees as follows:

- (1) The Contractor shall comply with the provisions of the City of Gainesville’s living wage requirements, as applicable. Failure to do so shall be deemed a breach of contract and shall authorize the City to withhold payment of funds until the living wage requirements have been met.
- (2) The Contractor will include the provision of (1) above in each subcontract for Covered Services with a Service Contractor/Subcontractor, as defined herein, so that the provisions of (1) above will be binding upon each such Service Contractor/Subcontractor. The Contractor will take such action with respect to any such subcontract as may be directed by the contract administrator as a means of enforcing such provisions; provided, however, the City shall not be deemed a necessary or indispensable party in any litigation between the contractor and a subcontractor concerning compliance with living wage requirements.

S. LOCAL PREFERENCE

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the purchasing policies, the city commission, or other purchasing authority, may give a preference to local businesses in making such purchase or awarding such contract in an amount not to exceed five percent of the local business' total bid price, and in any event the cost differential should not exceed \$25,000.00. Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which

DRAFT

were both part of the bid and actually purchased and awarded by the City Commission or other authority. In the case of requests for proposals, letter of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses. Local Businesses are assigned five (5) percent of the total points of the total evaluation points. If Local Preference is requested by the proposer, the attached Exhibit B must be submitted with the proposal.

Local business means the firm/provider has a valid occupational license, issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the firm/provider operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, in the Bid or RFP evaluation, the firm/provider must provide a copy of the occupational license and Zoning Compliance Permit. Exhibit --A----- (Attach Codified document)

DRAFT

SECTION II - SCOPE OF SERVICES

A. INTENT

It is the intent of the City of Gainesville to obtain proposals from qualified firms/providers to perform an executive search service for the position of City Manager.

B. MINIMUM REQUIREMENTS

The awarded Consultant shall conduct a nation wide City Manager executive search and recruitment, which includes the recruitment of a diverse group of applicants that demonstrate characteristics, experience and competencies that would qualify them for this position. The Consultant shall provide applicable services consisting of, but not limited to, the following:

- Work with City of Gainesville's City Commission and staff to develop characteristics and attributes of the successful candidate, appropriate and necessary selection criteria, selection process and timeline, representing a proposed initial path for selection of a City Manager.
- Develop a strategy for carrying out the recruitment, including outreach to encourage applicants from diverse backgrounds to apply.
- Conduct a broad and thorough nationwide recruitment utilizing but not limited to professional publications, advertisements, internet, targeted recruitment and professional contacts to insure a pool of qualified individuals.
- Develop a recruitment brochure and solicitations that describe City Manager position, the City organization and the community.
- Acknowledge receipt of candidates' application materials.
- Review resumes and conduct initial screening of all candidates' applications utilizing the criteria developed with the City Commission.
- Review resumes for background and qualifications followed by telephone interviews to clarify each applicant's experience and to prepare a written summary detailing background, achievements, and strengths of 5 to 10 candidates with the most promising qualifications.

DRAFT

- Conduct all background and reference checks on final candidates. Verify education and employment history. This may include a detailed financial, newspaper, criminal, and civil litigation investigation.
- In the event politically sensitive or potentially embarrassing issue arise in the candidate's background, conduct in-depth interviews with principal parties to clarify the event and clearly describe a picture of the event.
- Assist City Commission in the selection of finalists.
- Coordinate the final on-site selection process. Tasks that should occur during this phase of the process include at a minimum formal interviews with each City Commissioner. Other tasks may include meeting with employee and/or citizen representatives and tours of City facilities.
- Coordinate the on-site portion of the process including scheduling interviews and other activities, and making travel and lodging arrangements as directed by the City.
- Assist in contract negotiations with the selected candidate.
- Provide notification to all candidates not selected as finalists for the position.

DRAFT

SECTION III - PROPOSAL FORMAT

Instructions to proposers: Proposals must contain each of the below enumerated documents, each fully completed, signed, and notarized as required. Proposals submitted which do not include the following items may be deemed non-responsive and may not be considered for contract award.

A. FORMAT AND CONTENTS OF PROPOSAL

1. Table of Contents

The table of contents should outline in sequential order the major areas of the proposal, and all pages of the proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the table of contents.

2. Technical Proposals

The technical proposal is a narrative which addresses the scope of work, the proposed approach to the work, the schedule of the work, and any other information called for by the RFP which the proposer deems relevant.

3. Cost Proposal

The price proposal is a presentation of the proposer's total offering price including the estimated cost for providing each component of the required goods or services.

- Cost breakdown of services listed in the Scope of Work, as well as a total "not to exceed" fee for all professional services.
- Cost breakdown for reimbursable expenses in the performance of services listed in the Scope of Work. [Do not include compensation for candidates' reimbursable expenses. The City shall reimburse candidates' expenses.]
- Cost breakdown for any additional activities/techniques identified in your work plan.
- An hourly rate at which the City would be billed for any services that the City might request outside the scope of items listed in the RFP.

If a prescribed format for the price proposal is appended, proposers must use it; otherwise, proposers may use formats of their choice.

4. Qualifications

The response to the minimum qualification requirements contained below is a list of the minimum qualification requirements prescribed for the RFP. Proposers must provide

DRAFT

documentation which demonstrates their ability to satisfy all of the minimum qualification requirements. Proposers who do not meet the minimum qualification requirements or who fail to provide supporting documentation will not be considered for award. If a prescribed format, or required documentation for the response to minimum qualification requirements is stated below, proposers must use said format and supply said documentation.

5. Timetable

All proposers should include a complete timetable outlining the estimated length of time each major component of the project will take.

B. QUALIFICATIONS/STATEMENT OF QUALIFICATIONS

A. Background and Experience of the Firm/Provider

Provide a summary of the firm's/provider's background, including, but not limited to, founding date; history; the names of principals and relationships with any parent, subsidiary, and/or affiliation of other firms/providers; and the location of the closest servicing office. Provide a narrative of recruitment services your firm/provider has conducted within the last three (3) years that demonstrates the firms/providers successful experience working with local jurisdictions and government leaders with ~~emphasis of~~ placing City Managers in the state of Florida. Consideration may be given to firms/providers with experience in placing City Managers in the State of Florida.

B. Staff Qualifications and Assignments

Include resumes (biographies) for all professional staff assigned to work on this project, describing each individual's education, specialized training or certification, and experience in this area to which they will be assigned. Include a company organization chart to identify the name and location of key personnel. Identify a project manager and whether he/she will have decision-making authority and the extent to which he/she will be available to the City.

C. References

Provide the name, title, address, telephone number and email address for reference from at least five (5) City/County governments that used your services for recruiting a top level manager.

A copy of your Occupational License and Zoning Compliance Permit must be submitted with the proposal if a local preference is requested.

DRAFT