



Legislation Text

File #: 210266., **Version:** 1

Staff Ranking Request for Proposal (RFP) For Special Magistrate Contract Services (B)

On April 6, 2021, the City issued a request for proposals (RFP) for special magistrate services to hear and adjudicate code enforcement cases. Section 2-391 of the City's Code of Ordinances sets out the magistrate's duties and powers as well as the qualifications for service.

A staff evaluation team made up of representatives from general government and the City Attorney's office reviewed proposals from two (2) entities, CPLS, P.A. and Braswell Law, Inc.. CPLS, P.A., a legal firm in Orlando, submitted a proposal that was disqualified after it was determined that the firm did not meet the minimum bid requirement that the magistrate reside in Alachua County. The other proposal came from the current special magistrate, Braswell Law, Inc. As a result of the RFP evaluation process, staff is recommending authorizing the City Manager to negotiate and execute a contract with Braswell Law, Inc. for special magistrate services.

Additional considerations: The evaluation committee discussed several items that the City Commission may wish to consider during their deliberations. Section 2-391 provides for the appointment of an alternate special magistrate, in the event there is a legal conflict of interest which would prevent the primary magistrate from hearing a case. The current RFP solicitation did not identify any alternate special magistrates which will limit the ability of the City to process a case in the event of a conflict. Additionally, the magistrate is authorized to act as a hearing officer conducting quasi-judicial hearings on other matters concerning the City Code of Ordinances. A hearing officer could adjudicate appeals of administrative or board decisions related to the Land Development Code or potentially hold public quasi-judicial hearings to review development plans. To that end, the Commission may wish to consider a new solicitation for a hearing officer and/or an alternate special magistrate to fill these functions.

Strategic Connection:

Goal 3 of the City Commission's Strategic Plan concerns making Gainesville a great place to live and experience.

The bid award amount proposed by Braswell Law, Inc. is \$15,600, annually. The cost will be allocated to the Neighborhood Enhancement Professional Services budget fund.

The City Commission: 1) approve staff's recommended ranking; 2) authorize the City Manager or designee to negotiate a contract and any related documents with Braswell Law, Inc. subject to approval from the City Attorney as to form and legality; 3) provide direction to staff regarding additional considerations discussed by

the evaluation committee.