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RESOLUTION NO. 2017-33

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO PROCUREMENT ACTION RFP #1617-03-006 - REQUEST FOR PROPOSALS FOR LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS; MAKING THE SELECTION FOR THESE SERVICES AND AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE SELECTED FIRM; AND PROVIDING FOR AN EFFECTIVE DATE. (Sponsored by Administration)

WHEREAS, in order to implement the recommended professional opinion to evaluate Ordinance No. 2016-14 (Exhibit A) and Resolution 2016-28 (Exhibit B) for the Village of Palmetto Bay, a Request for Proposals (RFP) No. 1617-03-006 (Exhibit C) was issued for qualified firms specializing in land use and municipal zoning laws and regulations on February 15th 2017; and

WHEREAS, in fulfilling the needs of the Village and the professional expertise required, the Village intends to retain one (1) of the firms selected by Council; and

WHEREAS, in response to the Village of Palmetto Bay's RFP No. 1617-03-006, a total of two (2) proposal submittals were received on February 23rd, 2017 from experienced, talented and highly capable firms (Exhibit D); and

WHEREAS, each proposal was individually evaluated by staff and based on the RFP criteria the firms were then invited to a Q & A session before Council; and

WHEREAS, as a result of the deliberations, the Council has selected firm Gray Robinson Attorneys at Law.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village Council hereby appoints Gray Robinson Attorneys at Law as their final selection of a firm; specializing in legal services land use and municipal zoning laws, further authorizing the Village Manager to enter into contract negotiations with the selected Attorney to provide said services.

Section 2. This Resolution shall become effective immediately.

PASSED AND ADOPTED this 6th day of March, 2017.

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Attest: Missy Arocha
Missy Arocha
Village Clerk

Eugene Flinn
Eugene Flinn
Mayor

APPROVED AS TO FORM:

Dexter W. Lehtinen
Dexter W. Lehtinen,
Village Attorney

FINAL VOTE AT ADOPTION:

- | | |
|------------------------------------|------------|
| Council Member Katryn Cunningham | <u>YES</u> |
| Council Member David Singer | <u>YES</u> |
| Council Member Larissa Siegel-Lara | <u>NO</u> |
| Vice-Mayor John DuBois | <u>YES</u> |
| Mayor Eugene Flinn | <u>NO</u> |

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AMENDING SECTION 30-50.19, "VILLAGE MIXED-USE DISTRICT", TO INCLUDE ALL PERMITTED RESIDENTIAL USES TO BE CLASSIFIED AS MULTIPLE FAMILY; TO ADJUST MAXIMUM PERMITTED HEIGHT FOR ALL BUILDINGS TO BE 85 FEET; AND TO PROVIDE A NOTATION THAT THE VMU ZONING DISTRICT IS ELIGIBLE TO PARTICIPATE IN SECTION 30-30.15 TRANSFER OF DEVELOPMENT RIGHTS; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on June 6, 2008, the Mayor and Village Council created the zoning district Village Mixed Use (VMU), which provided for permitted uses and development standards thereto; and

WHEREAS, in creating the VMU, certain multifamily residential uses were narrowly defined as Senior Living Facility and rowhouses/townhouses; and

WHEREAS, it is now desired to simply identify the permitted residential uses within the VMU as multifamily residential with the ability to construct senior living or townhomes; and

WHEREAS, the VMU also provided for varying heights based on the type of residential construction ranging from 75 feet to 85 feet; and

WHEREAS, it is now desired to provide a consistent height of 85 feet for multifamily buildings within the VMU; and

WHEREAS, this ordinance is being considered as part of a broader Transfer of Development Rights initiative that seeks to conserve certain lands surrounding the VMU zoned property, as more specifically addressed pursuant to Resolution No. 2016-28.

WHEREAS, pursuant to Section 163.3174, *Florida Statutes* the Village Council has been designated as the Local Planning Agency for the Village; and

WHEREAS, on May 2, 2016, the Local Planning Agency recommended approval the proposed ordinance; and

WHEREAS, the Mayor and Village Council of the Village of Palmetto Bay desire to amend Division 30-50.19.

1 count as an individual residential unit. Residential uses are permitted in the
2 ~~VMU as provided below~~ in accordance with the village's adopted
3 comprehensive plan and the Declaration of Restrictive Covenants and the
4 First Amendment to the Declaration of Restrictive Covenants recorded May
5 1, 1989 at Official Records Book 14089 at Pages 2349-52 and Official
6 Records Book 12428 at Pages 923-1010, of the Public Records of Miami-
7 Dade County, Florida, and the Amended Declaration of Restrictive
8 Covenants in Lieu of Unity of Title recorded Official Resources Book 27101
9 at Pages 2672-2678 of the public Records of Miami-Dade County, Florida.

- 10 i. ~~Multi-family residential rowhouses/townhouses up to 100 units.~~
11 ii. ~~Senior housing, intended to comply with F.S. § 760.29, in the form of~~
12 ~~multi-family condominiums or apartments up to 300 residential units.~~

13
14 Automobile traffic volume on Old Cutler Road generated by residential land
15 uses within the VMU Zoning District shall not exceed the automobile traffic
16 volume which would have been generated by the residential development
17 rights of 300 senior housing units and 100 multi-family residential
18 rowhouses/townhouses in the VMU Zoning District pursuant to the VMU
19 provisions of Village Ordinance 08-09 and by residential development rights
20 of 85 single family residential units in the Interim Zoning District (which is
21 contiguous to the western boundary of the VMU Zoning District) pursuant
22 to the Interim provisions of Village Code section 30-50.22, as in effect on
23 May 1, 2016. The owners of all property within the VMU shall execute a
24 restrictive covenant running with the land containing the automobile traffic
25 volume restriction of this subsection and development rights of this
26 subsection shall not be available to such owners until such a covenant,
27 approved by the Village Attorney, is publicly recorded.

28 * * *

29
30
31 (e) *General requirements.* These requirements shall not be deemed or construed to prohibit a
32 continuation or restoration after casualty of any structure, use or occupancy in the VMU
33 District that was existing as of the date of the effective date of this section.

34
35 (1) *Buildings.*

- 36 a. *Heights.* All height restrictions herein are deemed as consistent with the intent
37 of the previously enacted Village of Palmetto Bay Comprehensive Plan which
38 established parameters for this VMU District. Furthermore, all height
39 restrictions must remain in conformity with any existing deed restrictions,
40 declarations, or covenants in effect as to any lands within the VMU District.
41 ~~Multi-family rowhouse/townhouse units shall not exceed 70 feet above grade~~
42 ~~in height. Multi-family senior housing facilities shall not exceed 85 feet above~~
43 ~~grade in height. Nonresidential~~ All buildings shall be no higher than 85 feet
44 above grade in height. This shall not preclude, above such height restrictions,
45 bonuses granted by a Transfer of Development Right, antennae, elevator and
46 roof equipment, stairway roof access and railings or similar safety barrier, as

1 long as said structures are not visible from the property line of the VMU
2 District at Old Cutler Road.

3
4 * * *

- 5 e. *Density.* Overall density for all residential units on the property, including
6 senior housing facilities, shall be a minimum of 3.0 and a maximum of
7 14.0 dwelling units per gross acre, all as consistent with the comprehensive
8 plan of the village. Residential density calculations pursuant to the
9 preceding sentence shall be calculated based upon the entire land area
10 zoned VMU, regardless of any non-residential development within the
11 VMU. Additional units may be developed in accordance with an approved
12 Transfer of Development Rights.

13
14 * * *

- 15
16 (i) *Nonconforming structures, uses, and occupancies.* Nothing contained in this section 30-
17 50.2019 shall be deemed or construed to prohibit a continuation or restoration after
18 casualty of a legal nonconforming structure, use or occupancy in the VMU District that
19 was existing as of the effective date of this division.

- 20
21 (j) *Review procedure/administrative site plan review.* All applications for development approval
22 within the VMU District that are not otherwise permitted as nonconforming uses or
23 structures shall comply with the requirements of section 30-30.5 and this section and with
24 the site plan review criteria contained therein. Developments shall be processed and
25 approved administratively or by village council action, as applicable, as follows:

- 26 (1) *Administrative site plan review.*

- 27 a. The department shall review plans, including all materials required
28 under section 30-30.5 for completeness and compliance with the
29 provisions of sections 30-30.5 and 30-50.2019, and for compliance with
30 the site plan review criteria provided therein, including but not limited to
31 traffic analysis.

32
33 **Section 3. Companion TDR Resolution.** The provisions of the ordinance are offered
34 and approved contingent upon the owner(s) of those lands zoned VMU fulfill all conditions of the
35 companion TDR Resolution No 2016-28.

36
37 **Section 4. Conflicting Provisions.** The provisions of the Code of Ordinances of the
38 Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the
39 provisions of this ordinance are hereby repealed.

40
41 **Section 5. Severability.** The provisions of this Ordinance are declared to be severable,
42 and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be
43 invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences,
44 sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative
45 intent that this Ordinance shall stand notwithstanding the invalidity of any part.

46

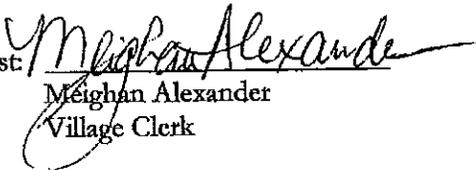
1 **Section 6. Codification.** It is the intention of the Village Council and it is hereby
2 ordained the provisions of this Ordinance shall become and be made part of the Code of
3 Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be
4 renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be
5 changed to "Section" or other appropriate word.

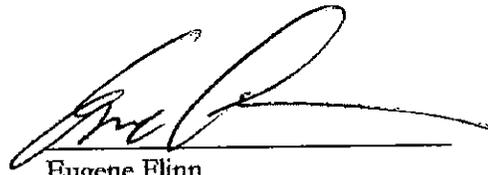
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7 **Section 7. Effective Date.** This ordinance shall only take effect once the conditions of
8 companion Resolution No. 2016-28 have been fulfilled.

9
10 **PASSED and ENACTED** this 2nd day of May, 2016.

11
12 First Reading: March 7, 2016

13
14 Second Reading: May 2, 2016

15
16
17
18 Attest: 
19 Meighan Alexander
20 Village Clerk


Eugene Flinn
Mayor

21
22
23 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
24 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

25
26
27 
28 Dexter W. Lehtinen
29 Village Attorney

30
31
32 FINAL VOTE AT ADOPTION:

33
34 Council Member Karyn Cunningham NO
35
36 Council Member Tim Schaffer YES
37
38 Council Member Larissa Siegel Lara YES
39
40 Vice-Mayor John DuBois NO
41
42 Mayor Eugene Flinn YES
43

RESOLUTION NO. 2016-28

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2
3 A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE
4 VILLAGE OF PALMETTO BAY, FLORIDA, PURSUANT TO SECTION
5 30-30.15, ENTITLED TRANSFER OF DEVELOPMENT RIGHTS (TDR);
6 TRANSFERRING 85 RESIDENTIAL UNITS FROM 17901 OLD CUTLER
7 ROAD, AS MORE PARTICULARLY DESCRIBED AT ATTACHMENT A;
8 TO 17777 OLD CUTLER ROAD, AS MORE PARTICULARLY
9 DESCRIBED AT ATTACHMENT B; AND ACCEPTING BY THE
10 VILLAGE, AS A CONDITION THEREOF, THE OWNERSHIP OF
11 PARCELS OF APPROXIMATELY 40± ACRES, AS MORE
12 PARTICULARLY DESCRIBED AT ATTACHMENT C, FOR PUBLIC
13 FACILITIES, PARKS, AND CONSERVATION PURPOSES; AND
14 PROVIDING FOR AN EFFECTIVE DATE.
15

16 WHEREAS, the Applicant, 17777 Old Cutler Road, LLC, made an application to transfer
17 the development rights of 85 residential units from 17901 Old Cutler Road (sender site), as more
18 particularly described at Attachment A, to 17777 Old Cutler Road (receiver site), as more particularly
19 described at Attachment B; and
20

21 WHEREAS, the sender site is a 22± acre parcel of undeveloped land which contains
22 wetlands, pine up-lands, and native fauna and vegetation; and the receiver site is over 40± acres and
23 is developed with office buildings and is permitted to have multifamily uses; and
24

25 WHEREAS, in transferring the development right to the receiver property the applicant has
26 offered and intends to deed the property together with other lands of approximately 40± acres, as
27 more particularly described at Attachment C, to the Village of Palmetto Bay; and
28

29 WHEREAS, by transferring the development rights from the sender site and deeding the
30 land to the Village of Palmetto Bay, it becomes available for a passive park and conservation area
31 with only ancillary structures, and the north 1 ½ acres of the 22± parcel, can be made available to
32 locate a much needed fire rescue facility; and
33

34 WHEREAS, the request is consistent with and in furtherance of the recognized purpose of
35 the TDR program including the creation to additional opens space, preservation of environmentally
36 sensitive lands, and public facilities; and
37

38 WHEREAS, the applicant has agreed to transfer approximately 40± acres of land for the
39 purpose of providing for parks, conservation, and public facilities; and
40

41 WHEREAS, once development rights are transferred, they are not available for private
42 development on the sender site; and
43

44 WHEREAS, the Village Council of the Village of Palmetto Bay conducted a quasi-judicial
45 hearing on the application at Village Hall, 9705 East Hibiscus Street, on March 7, 2016 and May 2,
46 2016; and

1
2 **WHEREAS**, the Mayor and Village Council finds, based on substantial competent evidence
3 in the record, that the application for the transfer of development rights is consistent with the
4 Village of Palmetto Bay's Comprehensive Plan and the applicable Land Development Regulations;
5 and,
6

7 **WHEREAS**, based on the foregoing finding, the Mayor and Village Council determined to
8 grant the application, as provided in this resolution.
9

10 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
11 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
12

13 **Section 1. Quasi-judicial.** A public hearing on the present applications were held on
14 March 7, 2016, and May 2, 2016, in accordance with the Village's "Quasi-judicial Hearing
15 Procedures". Pursuant to the testimony and evidence presented during the hearing, the Village
16 Council makes the following findings of fact, conclusions of law and final order.
17

18 **Section 2. Recitals.** The above recitals are true and correct and incorporated herein by
19 this reference.
20

21 **Section 3. Findings of fact.**
22

23 1. The transfer of development rights is consistent with the Village's Comprehensive
24 Plan, as further specified in the Analysis Section of the Village's Staff report.
25

26 2. The rules that govern transfer of development rights are at Section 30-30.15 of the
27 Land Development Regulations. A review of that Code, as evidenced in the analysis of staff, which
28 is incorporated by reference into this resolution, and after hearing the applicant and applicant's
29 experts, the Village Council found the request consistent with those criteria.
30

31 3. The Village adopts and incorporates by reference the Planning & Zoning
32 Department staff report, which expert report is considered competent substantial evidence.
33

34 4. The applicant has agreed to all conditions in the section entitled Order.
35

36 5. The Village Council had no substantive disclosures regarding ex-parte
37 communications and the applicant raised no objections as to the form or content of any disclosures
38 by the Council.
39

40 **Section 4. Conclusions of law.**
41

42 The transfer of development rights application was reviewed pursuant to Section 30-30.15(f)
43 of the Village of Palmetto Bay's Code of Ordinances, and was found to be conditionally consistent.
44

1 **Section 5. Order.**

2
3 The Village Council grants the transfer of developments request with the following conditions:

4
5 1. The applicant shall provide sealed surveys that accurately depict the sender site,
6 receiver, and land dedication site, prior to the transfer of the 85 residential units. Said surveys will
7 be deemed acceptable for purposes of transferable rights and land dedication upon staff
8 determination that they are generally reflective of the Attachments A, B and C, of the Resolution.

9
10 2. As part of the land dedication process, and prior to transfer of the 85 residential
11 units, the lands involved shall comply with Chapter 28, Subdivisions, of the Miami-Dade County
12 Code of Ordinances, and/or record any other legal instrument deemed necessary to ensure clear
13 title.

14
15 3. The approved Resolution shall be recorded to the titles of all lands involved.

16
17 4. Prior to transfer of the 85 residential units The Village shall receive clear title to the
18 dedicated lands as generally described in Attachment C of the Resolution and as further depicted in
19 the survey submitted and accepted pursuant to condition of 2 of this recommendation.

20
21 5. All previous conditions, approvals, covenants and resolutions shall remain in effect
22 unless otherwise altered by the granting of this request and any conditions assigned therein.

23
24 This is a final order.

25
26 **Section 6. Record.**

27
28 The record shall consist of the notice of hearing, the applications, documents submitted by
29 the applicant and the applicants' representatives to the Village of Palmetto Bay Department of
30 Planning and Zoning in connection with the applications, the county recommendation and attached
31 cover sheet and documents, the testimony of sworn witnesses and documents presented at the
32 quasi-judicial hearing, and the tape and minutes of the hearing. The record shall be maintained by
33 the Village Clerk.

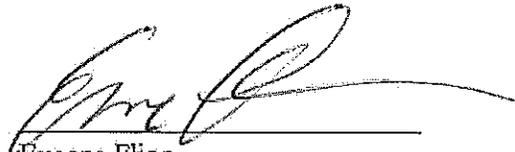
34
35 **Section 7. Effective date.**

36
37 This resolution shall take effect immediately upon approval.

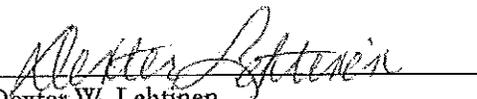
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39 PASSED and ADOPTED this 2nd day of May, 2016.

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41
42
43 Attest:


44 Meighan Alexander
45 Village Clerk


46 Eugene Flinn
Mayor

1 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
2 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY;

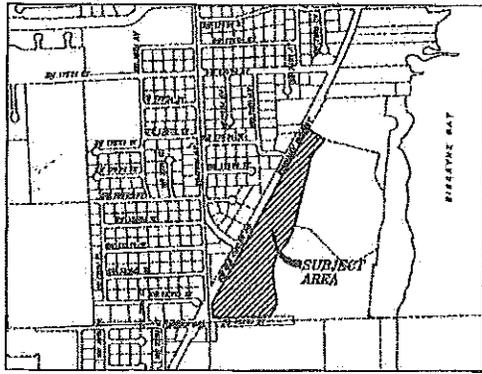
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6 Dexter W. Lehtinen
7 Village Attorney

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10 FINAL VOTE AT ADOPTION:

11
12 Council Member Karyn Cunningham NO
13
14 Council Member Tim Schaffer YES
15
16 Council Member Larissa Siegel Lara YES
17
18 Vice-Mayor John DuBois NO
19
20 Mayor Eugene Flinn YES

21
22
23 This Resolution was filed in the Office of the Village Clerk on this 12th day of May, 2016.

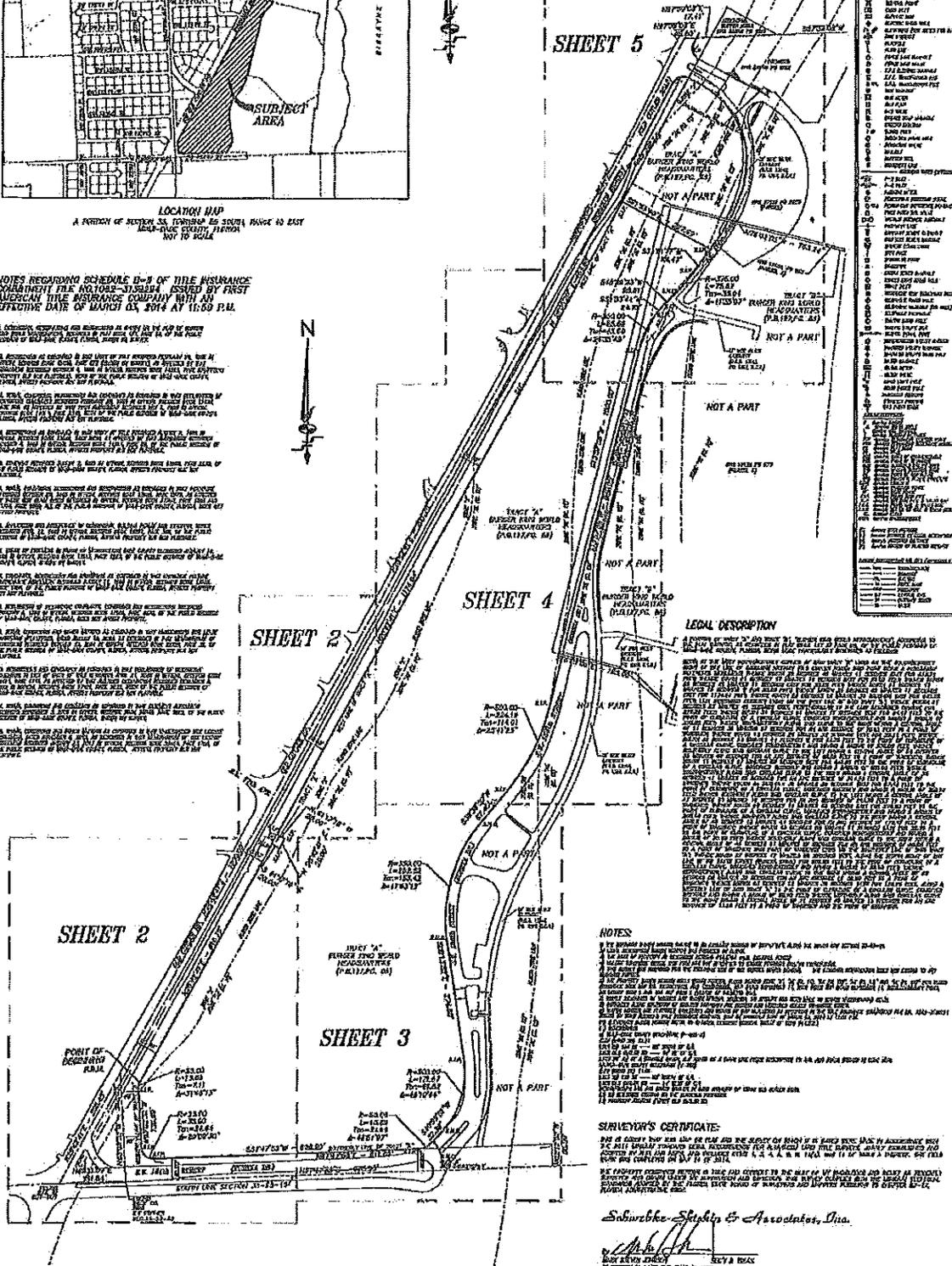
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25 
26 _____
27 Meighan Alexander
28 Village Clerk
29



LOCATION MAP
A PORTION OF SECTION 33 TOWNSHIP 35 NORTH RANGE 40 EAST
LAND-BASE COUNTY PLAT
NOT TO SCALE

NOTES REGARDING SCHEDULE B-3 OF TITLE INSURANCE
COVENANTS FOR ANCHORAGE, ALASKA, ISSUED BY FIRST
AMERICAN TITLE INSURANCE COMPANY WITH AN
EFFECTIVE DATE OF MARCH 03, 2014 AT 11:00 P.M.

1. COVENANTS, RESTRICTIONS AND EASEMENTS AS SHOWN ON THE PLAN OF SURVEY ARE SUBJECT TO THE RIGHTS, EASEMENTS AND RESTRICTIONS OF ANY RECORDING PRECEDING THIS SURVEY.
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LEGEND

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100	Quarter Section Boundary

LEGAL DESCRIPTION

SECTION 33, TOWNSHIP 35 NORTH, RANGE 40 EAST, LAND-BASE COUNTY, ALASKA, BEING THE SAME AS SHOWN ON THE PLAN OF SURVEY...

NOTES

1. THE SURVEY WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT ACCURATELY REPRESENTS THE ACTUAL CONDITIONS ON THE GROUND...

SURVEYOR'S CERTIFICATE:

I, the undersigned, being duly sworn, depose and say that I am a duly Licensed Professional Land Surveyor in the State of Alaska, and that I am the author of the foregoing plat, and that the same is a true and correct copy of the original as shown to me by the client...

Schwelke-Stahin & Associates, Inc.
[Signature]
 SURVEYOR

REVISIONS

NO.	DATE	DESCRIPTION

ALTA/ACSM LAND TITLE SURVEY

PREPARED FOR: HERRA WORLD INVESTMENTS LLC

Section 33 Township 35 North Range 40 East, Alaska

Schwelke-Stahin & Associates, Inc.
 LAND SURVEYORS
 1000 W. 14th Ave., Anchorage, Alaska 99501
 Phone: (907) 562-1111
 Fax: (907) 562-1112
 Website: www.schwelke-stahin.com

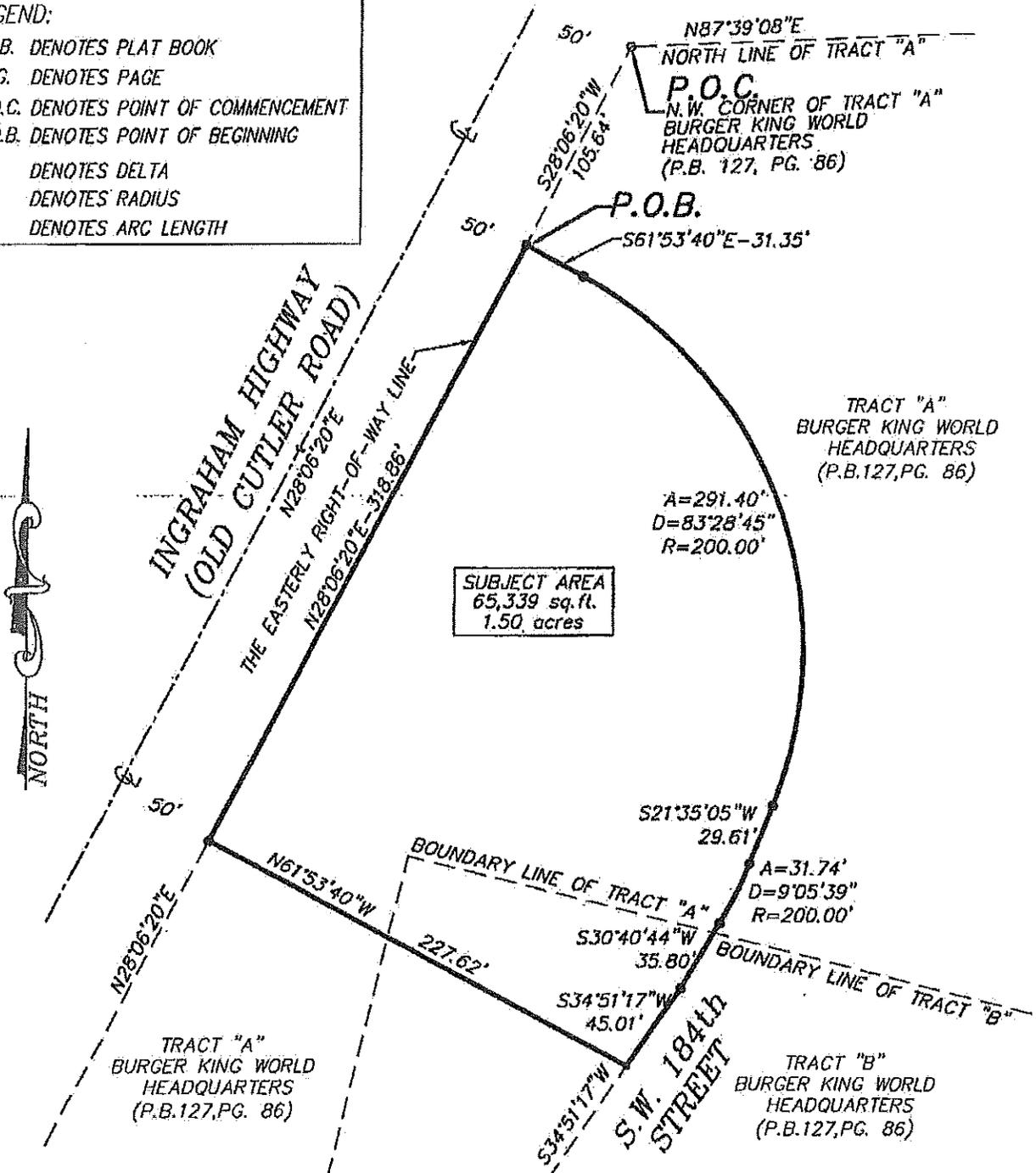
DATE: 11-11-14
 SHEET: 5 OF 5
 THIS IS A "REVISION" SHEET

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT "A"

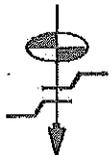
LEGEND:

- P.B. DENOTES PLAT BOOK
- PG. DENOTES PAGE
- P.O.C. DENOTES POINT OF COMMENCEMENT
- P.O.B. DENOTES POINT OF BEGINNING
- D DENOTES DELTA
- R DENOTES RADIUS
- A DENOTES ARC LENGTH



NOT TO SCALE

SHEET 1 OF 2 SHEETS



Schwabke-Shiskin & Associates, Inc.
 LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025
 PHONE No. (954)435-7010 FAX No. (954)438-3288
 ORDER NO. 203019 PREPARED UNDER MY SUPERVISION:
 DATE: JULY 14, 2014
 THIS IS NOT A "BOUNDARY SURVEY"
 CERTIFICATE OF AUTHORIZATION No. LB-87
 JOSE G. HERNANDEZ ASSISTANT VICE-PRESIDENT
 FLORIDA PROFESSIONAL LAND SURVEYOR No. 6952

REVISIONS

NO.	DESCRIPTION

LEGAL DESCRIPTION TO ACCOMPANY SKETCH

EXHIBIT " — " "

A PORTION OF TRACT "A" AND TRACT "B", "BURGER KING WORLD HEADQUARTERS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 127 AT PAGE 86, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT "A"; THENCE SOUTH 28 DEGREES 06 MINUTES 20 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD), FOR A DISTANCE OF 105.64 FEET TO THE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PARCEL OF LAND; THENCE RUN SOUTH 61 DEGREES 53 MINUTES 40 SECONDS EAST FOR A DISTANCE OF 31.35 FEET TO THE POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 291.40 FEET THROUGH A CENTRAL ANGLE OF 83 DEGREES 28 MINUTES 45 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 21 DEGREES 35 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 29.61 FEET TO THE POINT OF CURVATURE WITH A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 200.00 FEET; THENCE ALONG SAID CURVE TO THE RIGHT FOR AN ARC DISTANCE OF 31.74 FEET THROUGH A CENTRAL ANGLE OF 9 DEGREES 05 MINUTES 39 SECONDS TO A POINT OF TANGENCY; THENCE SOUTH 30 DEGREES 40 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 35.80 FEET; THENCE SOUTH 34 DEGREES 51 MINUTES 17 SECONDS WEST FOR A DISTANCE OF 45.01 FEET; THENCE NORTH 61 DEGREES 53 MINUTES 40 SECONDS WEST FOR A DISTANCE OF 227.62 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD); THENCE NORTH 28 DEGREES 06 MINUTES 20 SECONDS EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD), FOR 318.86 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 65,339 SQUARE FEET MORE OR LESS (1.50 ACRES MORE OR LESS)

LYING AND BEING IN SECTION 35, TOWNSHIP 55 SOUTH, RANGE 40 EAST, MIAMI-DADE COUNTY, FLORIDA.

NOTES:

- 1) BEARINGS SHOWN HEREON REFER TO AN ASSUMED BEARING OF NORTH 28°06'20" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INGRAHAM HIGHWAY (OLD CUTLER ROAD).
- 2) ORDERED BY: GROUPER FINANCIAL, INC.
- 3) AUTHENTIC COPIES OF THIS SKETCH AND LEGAL DESCRIPTION MUST BEAR THE EMBOSSED SEAL OF THE ATTESTING PROFESSIONAL LAND SURVEYOR.

SHEET 2 OF 2 SHEETS

	<p><i>Schwelbke-Shiskin & Associates, Inc.</i> LAND SURVEYORS-ENGINEERS-LAND PLANNERS - 3240 CORPORATE WAY-MIRAMAR, FL 33025 PHONE No. (954)435-7010 FAX No. (954)438-3288 ORDER NO. <u>203019</u> PREPARED UNDER MY SUPERVISION: DATE: <u>JULY 14, 2014</u> <i>[Signature]</i> THIS IS NOT A "BOUNDARY SURVEY" CERTIFICATE OF AUTHORIZATION No. LB-07 JOSE G. HERNANDEZ ASSISTANT VICE-PRESIDENT FLORIDA PROFESSIONAL LAND SURVEYOR No. 6952</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; height: 100px;"> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> </table>						

Attachment B

Receiver Site



Attachment C Donation Site



REQUEST FOR PROPOSALS

Village of Palmetto Bay
9705 East Hibiscus Street
Palmetto Bay, Florida 33157



TITLE:

LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

RFP NO.:

1617-03-006

DUE DATE:

Thursday, February 23rd, 2017 at 3:00pm

ISSUED:

Wednesday, February 15th, 2017

CONTACT PERSONS:

Mr. Edward Silva
Village Manager
Village of Palmetto Bay
ESilva@palmettobay-fl.gov

Litsy C. Pittser
Procurement Specialist
Village Managers Office – Procurement Division
Village of Palmetto Bay
LPittser@palmettobay-fl.gov



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SECTION 1.0: Advertisement

**VILLAGE OF PALMETTO BAY
REQUEST FOR PROPOSALS FOR
Legal Services Specializing In Land Use and Municipal Zoning Laws and Regulations - RFP #
1617-03-006**

The Village of Palmetto Bay is currently soliciting proposals from qualified Legal Counsel, being an individual or a firm specializing in land use and municipal zoning laws and regulations to issue a legal opinion addressing the authority of the Village Council to repeal a resolution and an ordinance previously adopted.

Sealed proposals shall be received by the Village Clerk, 9705 East Hibiscus Street, Palmetto Bay, FL 33157, **on or before Thursday, February 23, 2017**, no later than 3:00 pm, at which time they will be publicly opened and announced. To be considered, all interested parties must request a copy of the Request for Proposals or download the pdf file from our website at www.palmettobay-fl.gov (click Bids & RFP's on the right hand column) Full submittals shall consist of one (1) original and five (5) copies of the required information along with a flash drive or CD of the submittal. Submittals must be placed in a sealed envelope, entitled "**LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS - RFP # 1617-03-006.**" Late submittals and facsimile or emailed submissions will not be considered. The respondent shall bear all costs associated with the preparation and submission of the response to this RFP.

The Village reserves the right to reject any or all proposals, to terminate the process at any time, to waive any informalities or irregularities in any submittal, to award in whole or in part to one or more respondents or take any other such actions that may be deemed in the best interest of the Village. If you have trouble downloading the solicitation, please contact the Procurement Specialist, Litsy C. Pittser; Lpittser@palmettobay-fl.gov.

SECTION 2.0: Introduction

The Village of Palmetto Bay invites interested law firms and individuals to submit written proposals to provide specialized legal services to the Village of Palmetto Bay in the area of municipal zoning. The qualified candidate must be able to provide a legal opinion based on changes to our zoning code by an ordinance and a resolution previously adopted by the Village Council.

The Public Profile

The Village of Palmetto Bay, Florida is a Miami suburban incorporated Village in Miami-Dade County, Florida. The village incorporated on September 10, 2002, taking the territory formerly held by the Cutler and East Perrine census-designated places. The Village provides high-quality government services to the over 24,469 residents. The Village is home to the Old Burger King headquarters and the Deering Estate. The Village covers 8.8 square miles of land with approximately 118 centerline miles of streets. It is bordered by the Village of Pinecrest on the north, and the Town of Cutler Bay on the south, Biscayne Bay on the east and Unincorporated Miami-Dade County on the west. To learn more about the Village of Palmetto Bay, please visit our official website at www.palmettobay-fl.gov.

Estimated Schedule

The Village anticipates that RFP activities will take place at the dates and times listed below. However, these times and dates are subject to change at the discretion of the Village.

Request for Proposals Legal Advertisement	February 15, 2017
Last Date for Submittal of Written Questions Prior to Proposal Due Date	February 17th, 2017 3:30pm
Proposals Due Attn: Missy Arocha, Village Clerk Municipal Hall 9705 E. Hibiscus Street Palmetto Bay, Florida 33157	February 23rd, 2017 3:00pm or earlier

END OF SECTION

SECTION 3.0: Terms and Conditions for Receipt of Proposals

3.00 Requirement to Meet All Provisions

Each individual or Firm submitting a proposal (proposer) shall meet all of the terms, and conditions of the Request for Proposals (RFP) specifications package. By virtue of its proposal submittal, the Firm acknowledges agreement with and acceptance of all provisions of the RFP specifications.

3.01 Errors and Omissions in RFP

Proposers are responsible for reviewing all portions of this RFP, including all terms. Proposers are to promptly notify the Village's Procurement Specialist, in writing, if the proposer discovers any ambiguity, discrepancy, omission, or error in the RFP or forms. Any such notification should be directed to the Procurement Specialist (LPittser@palmettobay-fl.gov) in writing promptly after discovery. Modifications and clarifications will be made by addenda as provided below.

3.02 Inquiries Regarding RFP

Inquiries regarding the RFP and all oral notifications of intent to request written clarification of the RFP must be directed to:

Mrs. Litsy C. Pittser
Procurement Specialist
VMO - Procurement Division
9705 E Hibiscus Street
Palmetto Bay, FL 33157
Email: LPittser@palmettobay-fl.gov

Inquires must be received within 48 hours after publication due to the deadline of this RFP.

3.03 Objections to RFP Terms

Should proposer object on any ground to any provision or legal requirement set forth in this RFP, the proposer must, need not apply due to the stringent time frame of the opening date of February 23rd 2017.

3.04 Addenda to RFP

The Village may modify the RFP, prior to the submittal due date, by issuing written addenda. Any questions within the 48 hour period after the published date will be answered through addenda 24 hours after receiving the request.

3.05 Proposal Withdrawal and Opening

A proposer may withdraw its proposal, without prejudice prior to the time specified for the proposal opening, by submitting a written request to the Village Clerk for its withdrawal.

3.06 Revision of Proposal

At any time during the submittal evaluation process, the Village may require a proposer to provide written clarification of its submittal.

3.07 Laws and Ordinances

The proposer shall observe and comply with all federal, state and local laws, ordinances, rules, regulations and proposer standards that would apply to this contract.

3.08 Reservations of Rights by the Village

The issuance of this RFP does not constitute an agreement by the Village that any award will actually be issued by the Village. The Village expressly reserves the right at any time to:

- Waive or correct any defect or informality in any response, proposal, or proposal procedure;
- Reject any or all submittals;
- Reissue a Request for Proposals; and
- Prior to submission deadline for submittals, modify all or any portion of the selection procedures, including deadlines for accepting responses, services to be provided under this RFP, or the requirements for contents or format of the submittals.

3.09 No Waiver

No waiver by the Village of any provision of this RFP shall be implied from any failure by the Village to recognize or take action on account of any failure by a Firm to observe any provision of this RFP.

3.10 Cone of Silence

Pursuant to Section 2-138 of the Village Code, all procurement solicitations once advertised and until written award recommendation has been forwarded by the village manager to the village council, are under the "Cone of Silence."

The Cone of Silence ordinance is available at:

https://www.municode.com/library/#!/fl/palmetto_bay/codes/code_of_ordinances?nodeId=COOR_CH2AD_ARTVOFEM_DIV2COINCOET_S2-138COSI.

Any communication regarding this solicitation shall be made in accordance with the Cone of Silence, the entirety of which is incorporated as if fully set forth herein.

Communication between a potential vendor, service provider, Contractor, lobbyist, or Contractor and the Procurement Specialist named herein

Contractor solicitation is exempt from the Contractor Cone of Silence, provided that the communication is limited strictly to matters of process or procedure already contained in the solicitation document.

3.11 Submittal and/or Presentation Costs

The Village of Palmetto Bay assumes no responsibility or liability for costs incurred by the proposer prior to the execution of a contract. This includes costs incurred by the proposer as a result of preparing a response to this RFP.

3.12 Certification

The signer of the Response (to this RFP) must declare by signing the required forms that the person(s), Firm(s) and parties identified in the Response are interested in and available for providing the services; that the Response is made without collusion with any other person(s), Firm(s) and parties; that the Response is fair in all respects and is made in good faith without fraud; and that the signer of the cover letter of the Response has full authority to bind the person(s), Firm(s) and parties identified in the Response.

3.13 Public Records

Florida law provides that municipal records should be open for inspection by any person under Section 119, F.S. Public Records law. All information and materials received by the Village in connection with responses shall become property of the Village and shall be deemed to be public records subject to public inspection.

3.14 Retention of Responses

The Village reserves the right to retain all Responses submitted and to use any ideas contained in any Response, regardless of whether that Firm is awarded.

3.15 Village Authority

Firm proposals will be awarded at the sole discretion of the Village. The Village reserves the right to waive any irregularities in the request process, to reject any or all proposals, or to reject a proposal which is in any way incomplete or irregular. Proposals received after the deadline will not be considered.

3.16 Insurance

Upon Village's notification of award, the proposer shall furnish to the Procurement Division, Certificates of Insurance that indicate that insurance coverage has been obtained which meets the requirements as outlined below:

- Liability Insurance - One Million Dollars (\$1,000,000.00) per occurrence combined single limit for bodily injury liability and property damage liability and shall contain minimum limits of One Million Dollars (\$1,000,000.00) per aggregate – designating the Village as Additional Insured
- Workers Compensation - Statutory Limits
- Automobile Liability - One Million Dollars (\$300,000.00) per occurrence for all claims arising out of bodily injuries or death and property damages.
- Errors and Omissions or Firm liability insurance - One Million Dollars (\$1,000,000.00)

All insurance policies must be issued by companies authorized to do business under the laws of the State of Florida. The companies must be rated no less than "B+" as to management and no less than "Class V" as to strength by the latest edition of Best's Insurance guide, published by A.M. Best Company, Olwick, New Jersey, or its equivalent, or the companies must hold a valid Florida Certificate of Authority as shown in the latest "List of All Insurance Companies Authorized or Approved to do Business in Florida," issued by the State of Florida Department of Insurance and are members of the Florida Guaranty Fund.

Certificates of Insurance must indicate that for any cancellation of coverage before the expiration date, the issuing insurance carrier will endeavor to mail thirty (30) day written advance notice to the certificate holder. In addition, the Firm hereby agrees not to modify the insurance coverage without thirty (30) days written advance notice to the Village.

Compliance with the foregoing requirements shall not relieve the Firm of this liability and obligation under this section or under any other section in the Agreement.

If the insurance certificate is received within the specified time frame but not in the manner prescribed in the Agreement, the Firm shall be verbally notified of such deficiency and shall have an additional five (5) calendar days to submit a corrected certificate to the Village. If the Firm fails to submit the required insurance documents in the manner prescribed in the Agreement within fifteen (15) calendar days after Village notification to comply, the Firm shall be in default of the contractual terms and conditions and award of the Contract will be rescinded, unless such time frame for submission has been extended by the Village.

The Firm shall be responsible for assuring that the insurance certificates required in conjunction with this Section remain in force for the duration of the contractual period of the Contract, including any and all option years or extension periods that may be granted by the Village. If insurance certificates are scheduled to expire during the contractual period, the Firm shall be responsible for submitting new or renewed insurance certificates to the Village at a minimum of thirty (30) calendar days in advance of such expiration. In the event that expired certificates are not replaced with new or renewed certificates which cover the contractual period, the Village shall suspend the Contract until such time as the new or renewed certificates are received by the Village in the manner prescribed herein; provided, however, that this suspended period does not exceed thirty (30) calendar days. Thereafter, the Village may, at its sole discretion, terminate this contract.

3.17 Statement of Contract Disqualifications

Each proposer shall submit a statement regarding any past government disqualifications on the form provided in the RFP package.

3.18 Submittal of One Proposal Only

No individual or business entity of any kind shall be allowed to make or file, or to be interested in more than one proposal, except an alternative proposal when specifically requested; however, an individual or business entity that has submitted a sub-proposal to a Firm submitting a proposal, or who has quoted prices on materials to such Firm, is not thereby disqualified from submitting a sub-proposal or from quoting prices to other Firms submitting proposals.

3.19 Exceptions to Specifications

Exceptions to these specifications shall be listed and explained on a separate page titled "Exceptions to Specifications", which shall be prepared by the proposer. This page shall then be attached to these documents and submitted at the same time as the proposal. Each exception must refer to the page number and paragraph to which it is relevant. The nature and reasoning of each exception shall be explained in its entirety. Any exceptions to these specifications may be cause for rejection of the proposal.

3.20 Non-Appropriation of Funds

The Village of Palmetto Bay reserves the right to terminate in whole or in part of the contract in the event that sufficient funds to complete the contract are not appropriated by the Village of Palmetto Bay's Village Council.

3.21 Property of the Village

All discoveries and documents produced as a result of any service or project undertaken on behalf of the Village of Palmetto Bay shall become the property of the Village.

3.22 Disclosures and Potential Conflicts of Interest

The Village of Palmetto Bay Code of Ethics prohibits public officials or employees from performing or participating in an official act or action with regard to a transaction in which he has or knows he will thereafter acquire an interest for profit, without full public disclosure of such interest. This disclosure requirement extends to the spouse, children and grandchildren, and their spouses, parents and the parents of a spouse, and brothers and sisters and their spouses.

To ensure full and fair consideration of all proposals, the Village of Palmetto Bay requires all Proposers including owners or employees to investigate whether a potential or actual conflict of interest exists between the Proposer and the Village of Palmetto Bay, its officials, and/or employees. If the Proposer discovers a potential or actual conflict of interest, the Proposer must disclose the conflict of interest in its proposal, identifying the name of the Village of Palmetto Bay official or employee with whom the conflict may exist, the nature of the conflict of interest, and any other relevant information. The existence of a potential or actual conflict of interest does NOT, on its own, disqualify the disclosing Proposer from consideration. Information provided by Proposers in this regard will allow the Village of Palmetto Bay to take appropriate measures to ensure the fairness of the proposal process.

3.23 Litigation

All Proposers shall describe any prior or pending litigation or investigation, either civil or criminal, involving a governmental agency or which may affect the performance of the services to be rendered herein, in which the Firm, any of its employees, or sub Firms has been involved in within the last three (3) years.

3.24 Sub-Contractors

If any proposer intends on subcontracting out all or any portion of the engagement, that fact, and the name of the proposed subcontracting Firm(s) must be clearly disclosed in the proposal. Following the award of the contract, no additional subcontracting will be allowed without the prior written consent of the Village of Palmetto Bay.

3.25 Anti-Discrimination

The proposer certifies that he/she is in compliance with the non-discrimination clause contained in Section 202, Executive Order 11246, as amended by Executive Order 11375, relative to equal employment opportunity for all persons without regard to race, color, religion, sex or national origin.

3.26 Legal Requirements

Federal, state, county and Village laws, ordinances, rules and regulations that in any manner affect the items covered herein apply. Lack of knowledge by the proposer will in no way be a cause for relief from responsibility.

3.27 Protests, Appeals and Disputes

A contract may not be awarded to the proposer, unless the RFP tabulation is posted at Village of Palmetto Bay Municipal Center, 9705 E. Hibiscus Street, Palmetto Bay, Florida, ten (10) days prior to award of contract. Protests must be submitted in writing to the Village Manager or his designee no later than ten (10) days prior to scheduled award by the Village Council. Should the matter not be resolved to the satisfaction of the proposer, the appeal shall be heard by the Village Council. The Village Manager or his designee shall act as the Village's representative, in issuance and administration of all contracts, and shall issue and receive all documents, notices, and all correspondence. Any documentation not issued by or received by the Village Manager or his designee shall be null and void. All costs accruing from a Bid or award challenged as quality, etc. (test, etc.) shall be assumed by the challenger. The decision of the Village Council shall be final and conclusive. Their decision shall be binding on all parties concerned, reviewable by a court of competent jurisdiction in Miami-Dade County, in accordance with laws of the State of Florida.

3.28 Disclaimer

The Village Council of the Village of Palmetto Bay may, in its sole and absolute discretion accept or reject, in whole or in part, for any reason whatsoever any or all proposals; re-advertise this RFP; postpone or cancel at any time this RFP process; or, waive any formalities of or irregularities in the solicitation and proposal process. Proposals that are not submitted on time and/or do not conform to the Village of Palmetto Bay's requirements will not be considered. The issuance of this RFP constitutes only an invitation to make presentations to the Village of Palmetto Bay. The Village of Palmetto Bay reserves the

right to determine, at its sole discretion, whether any aspect of the proposal satisfies the criteria established in this RFP. In all cases the Village of Palmetto Bay shall have no liability to any proposer for any costs or expense, incurred in connection with this RFP or otherwise.

3.29 Business Entity Disclosure Statement

Proposer or Firm hereby recognizes and certifies that no elected official, or employee of the Village of Palmetto Bay (the "Village") shall have a financial interest directly or indirectly in this transaction or any compensation to be paid under or through this transaction, and further, that no Village employee, nor any elected or appointed officer (including Village board members) of the Village, nor any spouse, parent or child of such employee or elected or appointed officer of the Village, may be a partner, officer, director or proprietor of Proposer or Firm, and further, that no such Village employee or elected or appointed officer, or the spouse, parent or child of any of them, alone or in combination, may have a material interest in the Firm or Proposer. Material interest means direct or indirect ownership of more than 5% of the total assets or capital stock of the Firm or Proposer. Any exception to these above described restrictions must be expressly provided by applicable law or ordinance and be confirmed in writing by Village. Further, Proposer or Firm recognizes that with respect to this transaction or bid, if any Proposer or Firm violates or is a party to a violation of the ethics ordinances or rules of the Village, the provisions of Miami-Dade County Code Section 2-11.1, as applicable to Village, Village Charter Section 7.6 (Lobbyist), or the provisions of Chapter 112, part III, Fla. Stat., the Code of Ethics for Public Officers and Employees, such Proposer or Firm may be disqualified from furnishing the goods or services for which the bid or proposal is submitted and may be further disqualified from submitting any future bids or proposals for goods or services to Village. Proposer or Firm must complete and execute the Business Entity Affidavit form. The terms "Proposer" or "Firm," as used herein, include any person or entity making a proposal herein to Village or providing goods or services to Village.

3.30 Force Majeure

The performance of any act by the Village or Firm hereunder may be delayed or suspended at any time while, but only so long as, either party is hindered in or prevented from performance by acts of God, the elements, war, rebellion, strikes, lockouts or any cause beyond the reasonable control of such party, provided however, the Village shall have the right to provide substitute service from third parties or Village forces and in such event the Village shall withhold payment due Firm for such period of time. If the condition of force majeure exceeds a period of 14 days the Village may, at its option and discretion, cancel or renegotiate this Agreement.

3.31 Copeland "Anti-Kickback"

Firm and all sub-contractors will comply with the Copeland Anti-Kickback Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3).

3.32 Debarment and Suspension

Firms are required to certify that they are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntary excluded from covered transactions by any governmental agency.

END OF SECTION

SECTION 4.0: Scope of Services

The following are the services necessary to satisfy the terms of agreement between the Village and the successful proposer.

The Professional Legal Counsel will prepare a legal opinion that specifically addresses the authority of the Village Council to repeal Village Ordinance No. 2016-14, which adopted changes to the Village Mixed Use Zoning District and to repeal Resolution No. 2016-28, which approved the transfer of development rights to the Village Mixed-Use Zoning District. Such legal opinion shall also include any and all options available to the Village of Palmetto Bay Council to accomplish such goal, in part or whole.

4.01 Performance standards

The written legal opinion to be provided as requested in this RFP shall be submitted no later than thirty (30) days following the proposer's acceptance of the scope of work.

4.02 Indemnification

Proposer shall indemnify and hold harmless the Village and its officers, employees, agents and instrumentalities from any and all liability, losses or damages, including attorneys' fees and costs of defense, which the Village or its officers, employees, agents or instrumentalities may incur as a result of claims, demands, suits, causes of actions or proceedings of any kind or nature arising out of, relating to or resulting from the performance of this Agreement by the proposer or its employees, agents, servants, partners, principals or sub-contractors. Proposer shall pay all claims and losses in connection therewith and shall investigate and defend all claims, suits or actions of any kind or nature in the name of the Village, where applicable, including appellate proceedings, and shall pay all costs, judgments, and attorney's fees which may issue thereon. Proposer expressly understands and agrees that any insurance protection required by this Agreement or otherwise provided by Proposer shall in no way limit the responsibility to indemnify, keep and save harmless and defend the Village or its officers, employees, agents and instrumentalities as herein provided. 1% of the contract amount shall represent the consideration to be provided for this indemnification. Nothing contained herein shall be deemed a waiver of sovereign immunity.

END OF SECTION

SECTION 5.0: Submittal Requirements

Time and Place for Submittal of Proposals

Proposals must be received by 3:00 p.m., on February 23rd, 2017. Official time will be measured by the time stamp of the Village Clerk's Office. **Late submittals will not be considered.** Postmarks will not be considered in judging the timeliness of submittals. Proposals submitted by facsimile or email will not be accepted.

Proposals must be delivered in person and left at the front desk or mailed to:

Missy Arocha, Village Clerk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

Clearly labeled "Legal Services Specializing in Land Use and Municipal Zoning Laws and Regulations" and include the RFP # 1617-03-006, Firm name, and time and date of the proposal opening.

5.00 Format and Content of Proposals

Each proposal must be submitted on the form(s) provided in the specifications and accompanied by any other required submittals or supplemental materials. Submit one (1) original copy, five (5) copies, and flash drive or CD of your complete submittal package. Responses to this Request shall be in one volume. Any brochures and/or information pertaining to the qualifications of the proposer and/or team may be submitted, but must be included in a single volume.

Proposer shall submit a Proposal expressing its interest in providing the services described herein. Proposers should carefully follow the instructions outlined below, particularly with respect to the format. Failure to follow these instructions may be considered ground for excluding the proposal from further consideration.

The proposal must consist of:

1. Cover Page

Will include letter of introduction to include the contact person(s) name, address, email and telephone.

2. Table of Contents

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

3. Executive Summary

Provide a brief summary describing the Proposer's ability to perform the work requested in the RFP; a history of the Proposer's background and experience in providing similar services; the qualifications of Proposer's personnel to be assigned to this project; and, any other information called for by this RFP which the Proposer deems relevant, including any exceptions to this RFP. This summary should be brief and concise to advise the reader of the basic services offered, experience and qualifications of the Proposer, staff subcontractors or sub consultants and any other relevant information.

4. Minimum Qualification Requirements

Please provide a resume of the individual that will be making their professional legal opinion on the scope of services required by the Village of Palmetto Bay.

5. Proposers' Estimated Hourly Rate

6. Required Proposal Submittal Forms (Section 8.0)

END OF SECTION

SECTION 6.o: Evaluation and Selection Criteria

6.o Evaluation Method and Criteria

The Village reserves the right to accept or reject any or all proposals, to waive any and all informalities and technicalities, and to accept the offer considered to be in the best interest of the Village.

The evaluation criteria point requirements are:

Qualifications and Experience, based on your resume	25 points
Ability to perform a legal opinion dealing with zonification	25 points
Business History	25 points
<u>Cost of Providing Service</u>	<u>25 points</u>
TOTAL POINT VALUE	100 points

Proposals will be evaluated based on the Firm's responses to the requirements of this RFP. The Village shall review all Proposals submitted and evaluate each Proposal. The evaluation will consist of, but not be limited to, the Proposers willingness and ability to provide all services requested under the conditions in this document.

Interviews and/or presentations with the firm are not anticipated, but may be held at the option of the evaluation committee. The Village reserves the right to obtain clarification or additional information from any firm in regards to its proposal.

END OF SECTION

SECTION 7.0: Required Proposal Submission Forms

DRUG-FREE WORKPLACE CERTIFICATION

Whenever two or more Bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a Bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie Bids will be followed if none of the tied firms have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under Bid a copy of the statement specified in Subsection (1).
- 4) In the statement specified in Subsection (1), notify the employees, that, as a condition of working of the commodities or contractual services that are under Bid, the employee will abide by the terms of the statement and will notify the employee of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this Firm complies fully with the above requirements.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

ACKNOWLEDGEMENT, WARRANTY AND ACCEPTANCE

A. Firm warrants that it is willing and able to comply with all applicable State of Florida laws, rules and regulations.

B. Firm warrants that they have read, understand and are willing to comply with all of the requirements of the RFP and the addendum/ addenda nos.

C. Firm warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the Council.

D. Firm warrants that all information provided by it in connection with this proposal is true and accurate.

E. CONTINGENCY FEE AND CODE OF ETHICS WARRANTY:

Firm warrants that neither it, nor any principal, employee, agent, representative or family member has promised to pay, and Firm has not, and will not, pay a fee the amount of which is contingent upon the Village awarding this contract. Firm warrants that neither it, nor any principal, employee, agent, representative has procured, or attempted to procure, this contract in violation of any of the provisions of the Miami-Dade County conflict of interest and code of ethics ordinances. Further, Firm acknowledges that a violation of this warranty will result in the termination of the contract and forfeiture of funds paid, or to be paid, to the Firm, if the Firm is chosen for performance of the contract.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20 __, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)
 Personally known to me, or
 Produced identification:

(Type of Identification Produced)
 Did take an oath or
 Did not take an oath.

SWORN STATEMENT PURSUANT TO SECTION 287.133 (3)(a) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the Village OF PALMETTO BAY, FLORIDA

By _____

For _____

Whose business address is: _____

And (if applicable) its Federal Employer Identification Number (FEIN) is: _____

(if the entity has no FEIN, include the Social Security Number of the individual signing this

Sworn statement - S.S. # _____)

2. I understand that a "public entity crime" as defined In Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other State or of the United States, including, but not limited to, any Proposal or contract for goods or services to be provided to any public entity or an agency or any political subdivision of any other state or of the United Sates and involving antitrust fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result or a jury verdict, non-jury trial, or entry of a plea or guilty or nab contenders.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, and means:
A. A predecessor or successor of a person convicted of a public entity crime; or
B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are

active in the management of an affiliate. The ownership by one person of shares constituting a controlling Interest in another person, ore pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws or any state or of the United States with the legal power to enter into a binding contract and which Proposals or applies to Proposal on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

Signed, sealed and delivered In the presence:

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

Continued on next page.

ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20____, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)
 Personally known to me, or
 Produced identification:

(Type of Identification Produced)
 Did take an oath or
 Did not take an oath.

AMERICANS WITH DISABILITIES ACT (ADA)
DISABILITY NONDISCRIMINATION STATEMENT

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the VILLAGE OF PALMETTO BAY, FLORIDA

by: _____

(print individual's name and title)

for: _____

(print name of entity submitting sworn statement)

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is:

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____ - _____ - _____.)

I, being duly first sworn state: That the above named Firm, corporation or organization is in compliance with and agreed to continue to comply with, and assure that any sub-Firm, or third party Firm under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

The American with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat 327, 42 USC 12101-12213 and 47 USC Sections 225 and 661 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Florida Americans with Disabilities Accessibility Implementation Act of 1993, Section 553.501-553.513, Florida Statutes:

- The Rehabilitation Act of 1973, 29 USC Section 794;
- The Federal Transit Act, as amended 49 USC Section 1612;
- The Fair Housing Act as amended 42 USC Section 3601-3631.

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20____, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

- Personally known to me, or
- Produced identification:

(Type of Identification Produced)

- Did take an oath or
- Did not take an oath.

BUSINESS ENTITY AFFIDAVIT
(FIRM / PROPOSER DISCLOSURE)

I, _____ being first duly sworn
state:

The full legal name and business address of the person(s) or entity contracting or transacting business with the Village of Palmetto Bay ("Village") are (Post Office addresses are not acceptable), as follows:

Federal Employer Identification Number (If none, Social Security Number)

Name of Entity, Individual, Partners or Corporation

Doing Business As (If same as above, leave blank)

Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contact or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. All such names and addresses are (Post Office addresses are not acceptable), as follows:

Full Legal Name	Address	Ownership
_____	_____	_____%
_____	_____	_____%
_____	_____	_____%

2. The full legal names and business address of any other individual (other than subFirms, material men, suppliers, laborers, or lenders) who have, or will have, any interest (legal, equitable, beneficial or otherwise) in the contract or business transaction with the Village are (Post Office addresses are not acceptable), as follows:

Signature of Official: _____

Name (typed): _____

Title: _____

Firm: _____

Date: _____

ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20____, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

Continued on next page.

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

- Personally known to me, or
- Produced identification:

(Type of Identification Produced)

- Did take an oath or
- Did not take an oath.

ACKNOWLEDGMENT

State of Florida

County of _____

On this _____ day of, 20____, before me, the undersigned Notary Public of the State of Florida personally appeared _____ and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or Type as commissioned.)

- Personally known to me, or
- Produced identification:

(Type of Identification Produced)

- Did take an oath or
- Did not take an oath.

**AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.

SIGNATURE

PRINTED NAME

NAME OF FIRM

TITLE

Form **W-9**
(Rev. August 2013)
Department of the Treasury
Internal Revenue Service

**Request for Taxpayer
Identification Number and Certification**

Give Form to the requester. Do not send to the IRS.

Name (as shown on your income tax return)

Business name/disregarded entity name, if different from above

Check appropriate box for federal tax classification:
 Individual/sole proprietor C Corporation S Corporation Partnership Trust/estate
 Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____
 Other (see instructions) ▶ _____

Exemptions (see instructions):
 Exempt payee code (if any) _____
 Exemption from FATCA reporting code (if any) _____

Address (number, street, and apt. or suite no.) Requester's name and address (optional)

City, state, and ZIP code

List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number									
				-					
Employer identification number									
				-					

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ Date ▶

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. Information about any future developments affecting Form W-9 (such as legislation enacted after we release it) will be posted on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, payments made to you in settlement of payment card and third party network transactions, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued).
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct.

Note. If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

GRAY | ROBINSON
ATTORNEYS AT LAW

ORIGINAL

Relationships. Resources. Results.

Prepared for:
Village of Palmetto Bay

*Request for Proposal # 1617-03-006
Legal Services Specializing in Land Use and
Municipal Zoning Laws and Regulation
February 23, 2017*

Presented by:
John R. Herin, Jr.
GrayRobinson, P.A.
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john.herin@gray-robinson.com

www.gray-robinson.com

Boca Raton | Fort Lauderdale | Fort Myers | Gainesville | Jacksonville | Key West
Lakeland | Melbourne | Miami | Naples | Orlando | Tallahassee | Tampa

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

1. Cover Page

John R. Herin, Jr.
Attorney At Law
954-761-8111

JOHN.HERIN@GRAY-ROBINSON.COM

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401 EAST LAS OLAS BLVD. FORT LAUDERDALE
FORT LAUDERDALE, FL 33301 FORT MYERS
TEL 954-761-8111 GAINESVILLE
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gray-robinson.com

KEY WEST
LAKE LAND
MELBOURNE
MIAMI
NAPLES
ORLANDO
TALLAHASSEE
TAMPA

VIA COURIER

Missy Arocha
Village Clerk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, FL 33157

Re: RFP #1617-03-006 / Legal Services Specializing in Land Use and Municipal Zoning
Laws and Regulations

Dear Ms. Arocha:

The law firm of GrayRobinson, P.A. (the "Firm") is pleased and honored to submit our qualifications to serve as special counsel to the Village of Palmetto Bay (the "Village") in the areas of the for land use and municipal zoning. The Firm believes it is uniquely qualified to serve the Village in this capacity. As a statewide firm founded in 1970 with 300 lawyers in 13 offices, we have worked for and with numerous municipalities in all aspects of local government law, including previously serving as Interim Village Attorney for the Village.

I am the main point of contact for this representation. I have more than 25 years of experience as legal counsel in the public sector with an emphasis on land use and zoning matters, and I am board certified by The Florida Bar in City, County and Local Government Law. I have served as the City Attorney for the City of Marathon, the City of Doral, and the Village Attorney for the Village of Islamorada. I also acted as Interim Village Attorney for the Village of Palmetto Bay. One of the core founding principles of the Firm is embracing our local communities as a matter of mission, as well as passion. This commitment translates into a Firm-wide service to municipalities across the State that allow me to call upon the expertise of the Firm's attorneys in every area of the law the Village may need. In addition to me, the Firm has a number of attorneys that are recognized nationally and statewide for their expertise in the area of land use and zoning law.

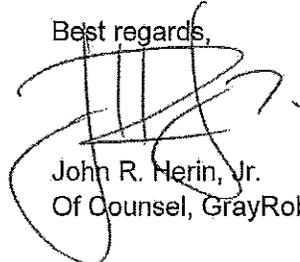
At this time, we are not aware of any conflicts that preclude us from representing the Village and we are committed to performing the required work within a specified timeframe. Additionally, we warrant that we have not employed or retained anyone to secure or solicit a contract with the Village, nor have we paid or agreed to pay any person, company or entity any fee or other consideration contingent upon or resulting from the award or making of a contract with the Village.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

We will strive to accomplish three critical objectives in representing the Village of Palmetto Bay. These objectives are: (1) to provide quality legal services in a timely and cost-effective manner; (2) to maintain the flexibility necessary to respond to any issues or questions swiftly and thoroughly; and (3) to facilitate communication and accountability. The Firm believes in the quality of the work we produce, not the quantity. Again, we appreciate the opportunity to present our qualifications to provide legal services to the Village of Palmetto Bay and thank you for your consideration.

Best regards,



John R. Herin, Jr.
Of Counsel, GrayRobinson, P.A.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

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3. Executive Summary

Land Use Law

GrayRobinson has extensive experience in all aspects of land use law, including related areas of state and local government law, real estate and real property law, commercial transaction law, public finance law, construction law and litigation.

GrayRobinson's Land Use Law Practice Encompasses:

- Large Scale Development
- Financing and Special Districts
- Comprehensive Planning and Zoning
- Administrative and Judicial Litigation
- Environmental Permitting
- Governmental Lobbying
- Utilities and Transportation
- Code Enforcement
- Development Agreements

The firm developed these skills through representation of both local governments and private sector clients, and has represented governments, businesses, and individuals in thousands of federal, state and local land use permit proceedings and transactions. From the point a development is conceived, through financing concerns and due diligence and continuing throughout the project siting, agency permitting process, environmental permitting, subdivision permitting process, infrastructure financing, special district matters (if any), public utilities concerns and construction; GrayRobinson offers a team of accomplished and experienced attorneys that have successfully represented our clients' interests – governmental and private sector – in all aspects of the entitlement process.

Growth Management and Zoning

Since 1975, Florida has been on the cutting edge of state growth management, comprehensive planning and zoning laws. Lawyers in the firm have handled virtually every type of planning and zoning proceeding, including planned unit developments, annexations, rezoning, sector plans, plan amendments, special exceptions, variances, subdivisions, concurrency, transportation agreements, development agreements, land development code drafting & interpretation, vested rights, equitable estoppel, consistency proceedings, property rights/Bert Harris Act litigation, eminent domain, code enforcement compliance, alcoholic beverage and liquor licensing, communications permitting, and other related matters.

The firm has experience representing numerous types of clients including large corporations, small business owners, individuals, citizen groups, non-profit organizations, local governments and agencies, and public and private educational institutions. While each type of client has a particular set of needs, desires, and goals regarding a specific project, the breadth and depth of our collective team has the experience, talent and knowledge to work towards realization of those goals.

Environmental Permitting

For almost half a century, Florida has led the nation in the regulation of natural resources. Lawyers in the firm have been involved in obtaining or affecting the issuance or denial of virtually every type of environment permit in Florida at federal, state and local levels including multiple large-scale environmental and conservation acquisitions and conservation easement transactions.

Public Services and Improvements

The firm is experienced in a wide variety of proceedings involving the planning, financing, permitting, construction, expansion, and maintenance of public services and infrastructure improvements, including roads, interchanges, utilities, communications, drainage, schools, convention/civic centers, and other systems and facilities. The firm has been involved in numerous transactions and proceedings to provide siting, construction and operation of these systems and facilities.

Litigation

The firm actively litigates land use, zoning and related real estate matters, including mortgage and mechanic's lien foreclosures, boundary disputes, property rights, real estate commissions and condominium problems. GrayRobinson handles matters involving disputes about the use, planning, zoning, and permitting of real property, whether those disputes occur between the landowner and the government, or between neighboring (or otherwise affected) landowners. GrayRobinson attorneys have handled a significant number of local and state administrative hearings on land use and zoning disputes and have experience with petitions for writs of certiorari and Chapter 163 Comprehensive Plan challenges. The firm also has a long history of representing water, wastewater, solid waste, telecommunications, gas and electric utilities throughout the State of Florida, including representing operational utilities in rate cases before the Florida Public Service Commission.

Municipal Experience

We have long provided our government clients with effective representation as city/county attorney, and before other government agencies, including housing agencies, counties, special districts, the State of Florida and the U.S. Congress. Over the years, we have served as general counsel and/or special counsel to numerous cities, counties, and public agencies. We have also represented hundreds of clients before governmental entities relating to everything from bidder's protests to complex entitlement and zoning matters, and successfully lobbied at all levels of government.

Our firm currently serves as city attorney to over a dozen municipalities, CRAs and special districts across the state; general counsel to the Florida Citrus Commission; and special counsel to the Florida House of Representatives. Our attorneys provide specialized legal counsel to a number of government agencies throughout the state, including the Department of Management Services on employee benefits issues and have represented the State's largest and oldest private children's services agency in negotiating and contracting with the state in the current privatization of child protection services.

Representation of Local Governments

The experience and reputation gained during our years of public service enable us to provide quality legal services to the public sector in the areas of administrative law, environmental and land use law, general

government, public finance, procurement, utilities and zoning, to name a few. In addition, members of our public law team have served on the staff of governmental agencies for both state and local governments, providing our clients with a unique perspective and knowledge of local government.

- **Governmental Operations and Home Rule.** Through our representation of counties and municipalities, we have developed experience and depth in all areas of home rule law, drafting contracts ordinances and resolutions, governmental ethics, public-private projects, public records law, public utilities, solid waste, sunshine law, and all other aspects of daily governmental operations.
- **Construction Law.** The GrayRobinson team is one of the largest construction law departments in the state and has litigated hundreds of millions of dollars in construction disputes ranging from simple construction lien disputes to major public and private works and facilities projects throughout the state.
- **Eminent Domain and Inverse Condemnation.** GrayRobinson has earned a deserved reputation of being innovative and tenacious in our handling of eminent domain and inverse condemnation matters resulting from our handling of thousands of cases on behalf of our public and private clients.
- **Employment and Labor Law.** The firm's attorneys have extensive employment law and litigation experience, and advise clients in all areas of agency, state and federal law. We also defend employers against equal employment opportunity charges and claims in the investigation and litigation stages and advise clients with respect to administrative actions and claims. The firm has represented Florida public sector employers at the city, county, constitutional officers, school district, community colleges, state universities, authority and special district levels in union elections, collective bargaining, arbitrations and unfair labor practice litigation.
- **Legislative Representation.** We have decades of experience in lobbying the Florida Legislature and state agencies, both offensively and defensively, on behalf of public and private entities. Many of our public law attorneys began their careers as staff to the Florida Legislature, Governor's Office and State agencies, providing our clients with a unique perspective on the most efficient means of meeting their legislative goals. We maintain close relationships with local delegations and political leadership.
- **Procurement.** We provide legal counsel relating to all aspects of procurement, including assistance in the preparation of bids, RFP's and proposals; contract negotiation; bid protests; appellate review and contract disputes.
- **Public Finance and Taxation.** With respect to public finance and taxation, we have represented issuers and underwriters in a variety of local government financings, including dependent and independent special districts.

The firm developed these skills initially while serving as the Orange County Attorney during the 70s and 80s. Since that time, the firm has represented governments, businesses, and individuals in thousands of federal, state, and local matters. The list below outlines those public entity clients currently or recently represented by GrayRobinson.

American College of Physician Executives	Lafayette County School Board
Baker County Property Appraiser	Lake County
Barefoot Bay Recreation District	Lakeland Downtown Development Authority
Bay County	Lee County
Bay County Tax Collector	Leon County
Bay Medical Center	Levy County School Board

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Bradford County District School Board	Madison County Property Appraiser
Bradford County Tax Collector	Manatee Community College
Brevard County Contractors' Licensing Board	Manatee County Property Appraiser
Brevard County Clerk's Office	Manatee County School District
Broward Sheriff's Office	Manatee County, Florida
Canaveral Port Authority	Marion County
Charlotte County Property Appraiser	Melbourne Airport Authority
Charlotte County Tax Collector	Miami Community Redevelopment Agency
Central Florida Regional Transportation Authority (LYNX)	Miami-Dade County Public Schools
Citizens Property Insurance Corporation	Monroe County
Citrus County	Monroe County Clerk of Court
Citrus County Property Appraiser	Monroe County Tax Collector
City of Boynton Beach	Monroe County Property Appraiser
City of Bunnell	Munroe Regional Health System
City of Cape Coral	Naranja Lakes Community Redevelopment Agency
City of Clermont	North Brevard Country Hospital District
City of Coconut Creek	North Brevard County Hospital District, d/b/a Parrish Medical Center
City of Coral Gables	North Broward Hospital District, d/b/a Broward Health
City of Deerfield Beach	North Miami Beach Community Redevelopment Agency
City of Deland	North Miami Community Redevelopment Agency
City of Doral	North Naples Fire Control District
City of Dunedin	Orange County
City of Ft. Meade	Orange County Library District
City of Ft. Myers	Orange County Property Appraiser
City of Groveland	Orange County Sheriff, Office of
City of Hialeah	Osceola County Tax Collector
City of Hollywood	Palm Bay Utilities
City of Key West	Palm Beach State College
City of Kissimmee	Pasco County Medical Center
City of Lakeland	Pasco County Property Appraiser
City of Largo	Pasco County School Board
City of Longwood	Pasco County, FL
City of Melbourne	Pinellas County Housing Authority
City of Miami	Pinellas County Sheriff's Office
City of Miramar	Pinellas Suncoast Transit Authority (PSTA)
City of Naples	Polk County
City of Neptune Beach	Polk County Tax Collector
City of North Miami	Putnam County Property Appraiser
City of North Miami Beach	Ringling College of Art and Design
City of Ocoee	Sarasota Manatee Airport Authority
City of Orlando	Sarasota Memorial Hospital
City of Oviedo	Sebastian Inlet District

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City of Palm Bay	Secretary of State for Foreign & Commonwealth Affairs
City of Pembroke Pines	Seminole County Property Appraiser
City of Pinellas Park	Seminole State College of Florida
City of Pompano Beach	South Bay Community Development District
City of Port St. Lucie	South Broward Hospital District d/b/a Memorial Health System
City of South Pasadena	Southwest Florida Water Management District
City of St. Pete Beach	St. Johns County Property Appraiser
City of Tampa	St. Lucie County
City of Valparaiso	St. Lucie County Clerk of Court
City of Wauchula	St. Lucie County Property Appraiser
City of Winter Park	St. Lucie County Tax Collector
Collier County	St. Petersburg College
Clearwater Cay Community Development District	Tampa Bay Water
Eastern Florida State College	Tampa Port Authority
Emerald Coast Utilities Authority	Taylor County Property Appraiser
Escambia County Tax Collector	Taylor County Supervisor of Elections
First Florida Governmental Financing Commission	Taylor County Tax Collector
Flagler County Property Appraiser	Tohopekaliga Water Authority
Florida Agricultural and Mechanical University (FAMU)	Town of Atlantis
Florida Department of Financial Services, Division of Risk Management	Town of Belleair
Florida Department of State	Town of Howey-in-the-Hills
Florida Gulf Coast University	Town of Lantana
Florida Hospital College of Health Science	Town of Manalapan
Florida House of Representatives	Town of Medley
Florida Insurance Guaranty Association	Town of Melbourne Beach
Florida Keys Mosquito Control District	Town of Montverde
Florida Lottery	Town of Palm Beach
Florida Prepaid College Foundation, Inc.	Town of South Palm Beach
Florida State College at Jacksonville	Town of Surfside
Florida State University	Town of Windermere
Florida State University Research Foundation, Inc.	University of Central Florida
Gilchrist County School Board	University of Florida Board of Trustees
Hallandale Beach Community Redevelopment Agency	University of North Florida
Health Care District of Palm Beach County - District Hospital Holdings, Inc. d/b/a Lakeside Medical Center	University of South Florida
Hideaway Beach District	University of South Florida Research Foundation
Highlands County Tax Collector	Valencia College
Hillsborough Area Regional Transit (HART)	Village of Palmetto Bay
Hillsborough County School Board	Volusia County

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Indian River State College	Volusia County Schools
Jackson County Property Appraiser	Volusia Growth Management Commission (VGMC)
Jefferson County Clerk of Court	Workforce Central Florida

Firm Overview

GrayRobinson is a full-service corporate law firm with 300 attorneys and consultants throughout 13 offices across Florida. Our attorneys provide legal services for *Fortune* 500 companies, emerging businesses, lending institutions, local and state governments, developers, entrepreneurs and individuals across Florida, the nation and the world. We offer not only breadth across a great many legal areas, but also depth and proficiency in each one.

Being one of Florida's fastest-growing law firms, our attorneys are at the forefront of emerging legal issues, work expeditiously on behalf of our clients and respond quickly to their needs. We have invented a brand of law firm that serves our clients and our communities while counting creativity as a hallmark characteristic and insisting on ingenuity and innovation.

Client Service

GrayRobinson is committed to providing our clients with legal services that will assist them in accomplishing their business objectives. We conduct post matter reviews with clients to determine if their objectives were met and if their expectations were exceeded with a goal of the highest client satisfaction. We also keep abreast of changes within the client's industry and will periodically issue electronic alerts (E-Alerts) to clients advising them of changing regulations and how new regulations might impact their company.

A Commitment to Quality

The mission of GrayRobinson is to provide quality legal services to all clients in a timely fashion, maintain professionalism with integrity and be responsive to the needs of our community. This philosophy is consistently reflected by the commitment we make to our clients in helping them achieve their goals.

GrayRobinson attorneys are recognized for their legal services by leading publications that conduct annual reviews within the legal industry.

In 2016, 21 attorneys and 7 different practice groups were recognized by *Chambers USA*. (Chambers & Partners issue publications that list the top lawyers in 175 countries, based on 14,000 interviews conducted by Chambers researchers);



In 2016, 53 attorneys were named Florida *Super Lawyers* and another 16 were named Florida *Super Lawyers* "Rising Stars";



In 2016, 18 attorneys were recognized by *Florida Trend's* Legal Elite;



In 2016, six GrayRobinson offices and 42 practice groups were named to the *U.S. News & World Report Best Lawyers 2017 "Best Law Firms"* list;

In 2016, 75 attorneys were named to the 2017 *Best Lawyers in America®* list and of those attorneys, six were named *Lawyer of the Year*;



In 2015, GrayRobinson's Litigation Department was recognized as a Top Litigation Firm by the *Daily Business Review*; and

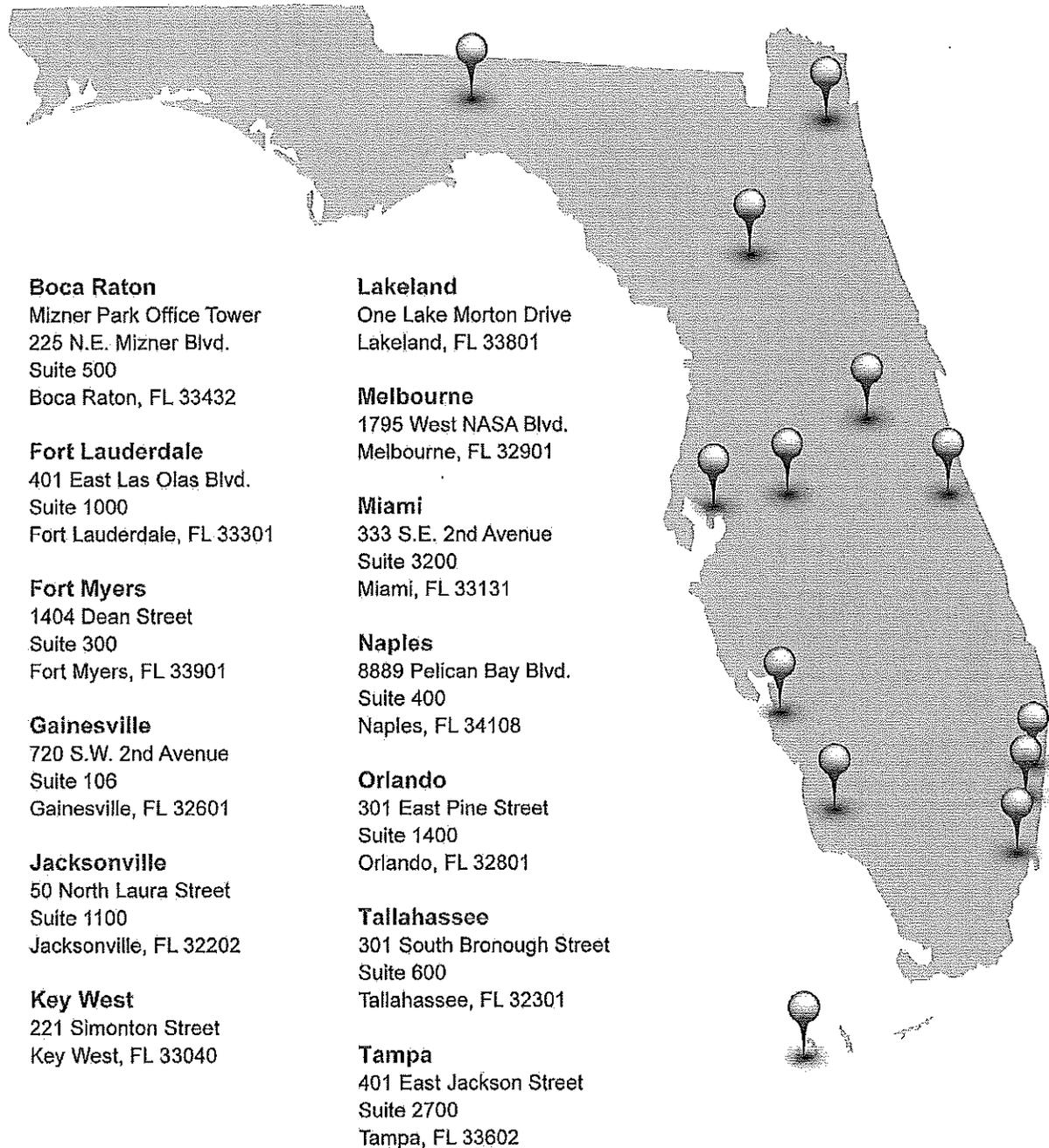


In 2015, GrayRobinson was again recognized by *Law360* as one of the eight Florida Powerhouses in the publication's Regional Powerhouses series.



The Martindale-Hubbell Law Directory has also given GrayRobinson its highest rating: AV® which is based on case results and confidential recommendations from lawyers and judges that have worked with our attorneys.

Location of Offices



Practice Areas

- Administrative & Regulatory
- Admiralty & Maritime Law
- Affordable Care Act
- Alcohol Beverage
- Alternative Dispute Resolution
- Antitrust & Trade Regulation
- Appellate
- Attorney General Defense
- Banking & Finance
- Bankruptcy & Creditors' Rights
- Class Action Defense
- Communications, Cable & Broadband
- Construction
- Corporate
- Criminal & White Collar Defense
- Customs & International Trade Law
- Cybersecurity
- Drone & Aviation Law
- Education
- Elder Law
- Election Law
- Eminent Domain & Condemnation
- Employment & Labor
- Entertainment & Sports
- Environmental
- ERISA & Employee Benefits
- ESOPs
- Estate Planning
- Exempt Organizations
- Family Law
- Food Law
- Franchising & Licensing
- Government
- Government Relations & Lobbying
- Guardianship
- Health Care
- Health Information Technology
- Higher Education
- Hospitality
- Immigration
- Insurance
- Insurance Defense
- Insurance Regulatory
- Intellectual Property & Technology
- International
- Land Use Law
- Litigation
- Managed Care
- Media
- Medicaid Planning
- Medical Malpractice Defense
- Mergers & Acquisitions
- OSHA
- Patent
- Personal Injury
- Petroleum
- Probate
- Product Liability & Toxic Tort
- Professional Liability Defense
- Public Finance
- Real Estate
- Medical Marijuana
- Residential, Resort & Club
- Restaurant
- Securities
- Securities Litigation, Arbitration & Regulatory Practice
- Senior Housing
- Subrogation
- Taxation
- Technology Transactions
- Tobacco
- Trademark
- Transportation
- Trusts
- Utilities
- Venture Capital
- Wealth Transfer

4. Minimum Qualification Requirements

Relevant Experience

The Firm attorneys that compose the team that will work on the assignment – if selected – have focused their practice and have extensive experience in handling land use and municipal zoning law matters. For example, Mr. John Herin (lead attorney) has served as city, town and village attorney for a number of South Florida local governments, and during his tenure as such regularly rendered opinions to elected and appointed boards on land use and zoning issues involving entitlements and zoning disputes similar to the proposed assignment in the RFP. These included equitable estoppel and vested rights disputes and the governing bodies' right to approve, approve with conditions, or deny development applications, or rescind previously approved development permits and re-zonings. When called upon to do so, Mr. Herin successfully represented these local government agencies at the trial and appellate court levels in subsequent litigation. During his tenure as the city attorney for the City of Marathon, and the village attorney for the Village of Islamorada, Mr. Herin was actively involved in the preparation of each local government's comprehensive plan and land development regulations, both of which are some of the most complex, scrutinized and litigated comprehensive plans and land development regulations in the entire state as a result of Marathon and Islamorada's inclusion in the Florida Keys Area of Critical State Concern.

Ty Harris is uniquely qualified to assist the Village in the RFP assignment because of his many years as a successful in-house local government attorney, but also because of his experience as the Director of Community Development for Charlotte County and most recently as the Director of Development Services for the City of Boca Raton. Thus, Mr. Harris brings the unique insight, perspective and experiences of the professional planner to the RFP assignment. As an experienced land use and zoning lawyer and as a professional planner, Ty has handled comprehensive plan and land development code interpretations and associated vested rights entitlement disputes.

Mr. Siemon is widely recognized as one of the "Deans" of Florida land use and zoning law. Mr. Siemon has assisted numerous state and local government agencies throughout the United States in drafting and implementing innovative comprehensive plan and land development regulations. The purpose of these plans and regulations span the preservation of unique environmental areas (the New Jersey Pinelands), to fostering redevelopment of blighted areas or unique resources (City of Boca Raton Downtown Redevelopment Plan). Additionally, Mr. Siemon has successfully represented local government agencies in land use and zoning litigation cases involving claims of inverse condemnation, violations of civil and vested rights and other land use disputes. He is also routinely called upon to speak statewide on land use and municipal zoning topics.

The professional resumes of Messrs. Herin, Harris and Siemon follow on the next pages.

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GRAY ROBINSON

ATTORNEYS AT LAW

John R. Herin, Jr. Of Counsel

john.herin@gray-robinson.com

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Suite 1000
Fort Lauderdale, Florida 33301
Phone: 954-761-8111
Fax: 954-761-8112
Direct: 954-761-7500



Experience

John is of counsel in the firm's Land Use, Environment, and Government Affairs Department. He brings to the firm over 20 years of experience in the private and public sector. His practice focuses on representing private and public clients in the areas of land use, zoning, and local government, administrative and environmental law. John has handled complex development entitlement matters throughout Florida, including comprehensive plan, platting, permitting, site plan and zoning applications and amendments; endangered species, submerged land leases, and stormwater and wastewater permitting; and lender/buyer due diligence issues. He also has extensive experience in representing firm clients with respect to eminent domain, inverse condemnation and land use litigation, as well as claims under the Bert J. Harris, Jr., Private Property Rights Protection Act.

John appears before the Florida governor and cabinet, cabinet aides, district and circuit courts, division of administrative hearings, state agencies and local government bodies on a broad range of environmental and land use issues, and has drafted hundreds of ordinances and resolutions for cities and counties, covering a wide array of subjects. He is a frequent speaker on governmental and land use topics.

Areas of Practice

- Environmental
- Utilities
- Land Use Law
- Government
- Eminent Domain & Condemnation Law
- Senior Housing

Education

- University of Central Florida, B.A. (political science, 1986)
- Stetson University College of Law, J.D. (1991)

Professional Associations & Memberships

- The Florida Bar
 - Board Certified in City, County and Local Government Law
 - City, County and Local Government Law Section, Member
 - Environmental and Land Use Law Section, Member
- Florida Municipal Attorneys Association, Member
- Greater Miami Chamber of Commerce, Member
- Cuban American Bar Association, Member

Admissions

- Florida

Awards & Recognitions

- AV Preeminent™, *Martindale Hubbell*
- Florida *Super Lawyers*, 2007
- *The American Lawyer & Corporate Counsel*, Top Lawyer in Land Use and Zoning, 2013

Representative Experience

Public Sector Experience

- Served as interim village attorney for the Village of Palmetto Bay
- Served as city attorney for the City of Marathon
- Served as city attorney for the City of Doral
- Served as town attorney for the Town of Miami Lakes
- Served as village attorney for the Village of Islamorada
- Served as special counsel to city in the negotiation and drafting of a development agreement wherein property owner voluntarily contributed monetary and off-site improvements benefiting city's residents
- Served as special counsel to city in an annexation dispute with adjacent local government
- Served as special counsel to town with respect to draft environmental impact statement for proposed runway expansion
- Served as special counsel to hospital special district in court challenge to the imposition of a municipal special assessment
- Serves as special counsel to municipality in special assessment dispute with county
- Serves as Code Enforcement Special Magistrate to local municipality in Broward County
- Serves or has served as city attorney, assistant city attorney, assistant county attorney and special counsel to numerous local governments and quasi-governmental agencies

Private Sector Experience

- Obtained a vested rights determination on summary judgment for developer of proposed 12-story beachfront residential condominium, notwithstanding a referendum initiative that resulted in an amendment to the city charter limiting the height of all new construction to three stories

- Obtained required permit approvals from local government allowing developer to use transferable development rights to increase density and height of office building project
- Assisted owner of regional mall in securing amendments to local government's comprehensive plan and land development regulations to facilitate redevelopment of property into a mixed-use regional activity center
- Represented group of agricultural property owners in a \$172 million Bert J. Harris, Jr. Private Property Rights Protection Act claim arising from county's change in interpretation of open-space requirements in comprehensive plan and land development regulations
- Negotiated and drafted public-private agreement for the construction of dual radio transmission/emergency management communications tower on special district property
- Represented clients completing environmental remediation projects in connection with ongoing industrial operations and redevelopment projects
- Assisted national banking institution in securing amendments to the Palm Beach County Land Development Code to allow stand-alone banking centers as a matter of right in most commercial zoning districts
- Represented clients in due diligence associated with acquisition of land for industrial, commercial and residential development

Reported Cases

- *Sansbury v. City of Orlando*, 654 So.2d 965 (Fla. 5th DCA 1995) [upholding juvenile curfew]
- *Bott v. City of Marathon*, 949 So.2d 295 (Fla. 3rd DCA 2007) [enforceability of affordable housing restrictive covenant]
- *Beyer v. City of Marathon*, - So.3d - , 2013 WL 5927690 (Fla. 3rd DCA 2013) [inverse condemnation claim – owners were not deprived of all economically beneficial use of their property]
- *City of Coral Springs v. North Broward Hospital District*, - So.3d - , 4D14-2351 (Fla. 4th DCA 2015) [imposition of city fire service special assessment on district property was illegal]
- *Department of Community Affairs v. City of Marathon*, DOAH Case No. 04-3500GM [challenge to adopted comprehensive plan]
- *Florida Keys Citizens Coalition, Inc. & Last Stand, Inc. v. Florida Administration Commission & City of Marathon*, DOAH Case No. 04-2755RP [proposed Administration Commission rule amending city's comprehensive plan not invalid exercise of delegated legislative authority]
- *Rossignol v. Village of Islamorada & Department of Community Affairs*, DOAH Case No. 01-2409GM [comprehensive plan provisions limiting transient rental uses in residential areas supported by appropriate data and analysis]
- *Department of Community Affairs v. Village of Islamorada*, DOAH Case No. 01-1216GM [challenge to adopted comprehensive plan]

Presentations & Seminars

- "Consultants Competitive Negotiation Act (CCNA)," Florida City & County Management Association and Center for Florida Local Government Excellence's Training Program, March 18, 2016
- "Ethics in Land Use," National Business Institute's Land Use Law: Current Issues in Subdivision, Annexation and Zoning, April 3, 2014
- 2011 Regulatory Takings Seminar, CLE International, 2011
- "Cheesehead Fallout: What Is the Future of Public Sector Bargaining and Pensions in Florida?" 21st Annual Labor and Employment Law Seminar, 2011
- "Alternatives to Litigation," Regulatory Takings Seminar, CLE International, 2007

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- "Making Code Enforcement Work," 10th Annual Public Interest Environmental Conference, University of Florida, 2005
- "What You Need to Know About Public Records and Open Meetings in Florida – Overlap and Interaction Between Public Records and Open Meetings," Lorman Education Services, 2001

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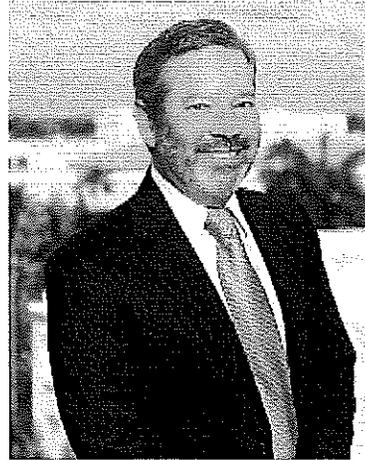
GRAY ROBINSON

ATTORNEYS AT LAW

Ty Harris Of Counsel

ty.harris@gray-robinson.com

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225 N.E. Mizner Blvd., Suite 500
Boca Raton, Florida 33432
Phone: 561-368-3808
Fax: 561-368-4008



Experience

Ty Harris is of counsel in GrayRobinson's Boca Raton law firm office. He focuses his practice on land use law, representing clients in both the public and private sectors.

Mr. Harris has represented local and municipal governments, with a particular emphasis on land use, zoning, environmental and redevelopment matters from planning and regulatory perspectives. Mr. Harris has also provided support to governmental entities on matters such as public contracting, "sunshine" law, code enforcement and private property rights. He has served as the Code Board attorney for the City of Edgewater, special outside counsel to the City of Daytona Beach Shores in land use litigation, Assistant County Attorney for Charlotte County, Director of Community Development for Charlotte County and Director of Development Services for the City of Boca Raton.

In the private sector, Mr. Harris' representation involves residential, commercial, and institutional landowners, real estate developers and financial institutions on a variety of issues before federal, state, regional and local administrative agencies. These include obtaining land use and real estate development approvals, drafting zoning relief ordinances, and negotiating agreements for, and structuring the financing of, improvements needed for development projects and public/private partnerships.

Areas of Practice

- Land Use Law

Education

- Florida State University, B.S. (1989)
- Florida State University, M.S. (1994)
- University of Miami School of Law, J.D. (1998)
 - CALI Excellence for the Future Award Recipient
 - Dean's Certificate of Achievement Award
 - Legal Research and Writing Book Award
 - Florida Bar Young Lawyers Division Scholarship

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Admissions

- Florida

Professional Associations & Memberships

- The Florida Bar
 - City, County & Local Government Law Section
 - Environmental & Land Use Law Section
 - Government Lawyer Section

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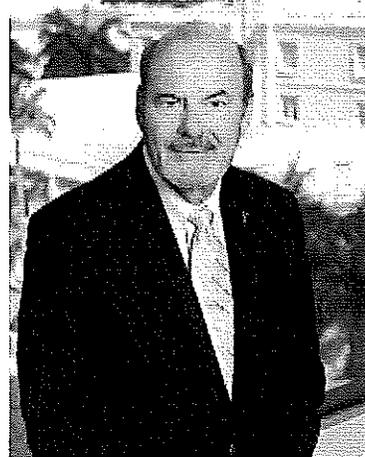
ATTORNEYS AT LAW

Charles L. Siemon

Director

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Fax: 561-368-4008



Experience

Charlie is a planning and planning law consultant who provides professional services to public and private sector clients in regard to a wide variety of land use matters. In a career of more than 30 years, he has served clients in more than 30 states and the commonwealth of Puerto Rico in regard to land use planning, preservation of environmentally sensitive and open space lands, downtown and community redevelopment, and growth management.

Areas of Practice

- Environmental
- Government
- Land Use Law
- Litigation

Education

- Emory University, B.S. biology (1967)
- Florida State University, Graduate Studies biology (1969)
- Florida State University College of Law, J.D. (1974)

Admissions

- Florida
- Illinois
- U.S. Courts of Appeals, 5th, 7th and 9th Circuits
- U.S. Supreme Court

Professional Associations & Memberships

- The Florida Bar
 - Environmental and Land Use Law Section, Member

- American Bar Association
- American Planning Association
 - Planning and Law Division, Member

Awards & Recognitions

- Boca Raton Historical Society's Walk of Recognition, Inductee, 2015
- *Best Lawyers in America*, 2015-2017
 - Lawyer of the Year, Environmental Law, 2017
- *South Florida Business Journal*, Power Leaders in Law & Accounting, 2014-2015
- *Chambers USA*, Real Estate: Zoning/Land Use, 2013-2016
- *Florida Super Lawyers*, 2014-2015
- AV Preeminent™, *Martindale-Hubbell*

Civic

- Schmidt Family Centre for the Arts of Mizner Park, Inc., Founder and Current Chair
- Festival of the Arts BOCA, Chair
- Boca Raton Regional Hospital, Former Board Member and Chair

Land Use Planning

- Preparation of Update to the City of Coral Gables Comprehensive Plan and Zoning Code
- Expansion Area Master Plan for the Lexington-Fayette Urban County Government (detailed plans for expansion of the first urban service area by 5,330 acres including community design, infrastructure and preservation of natural and open space features) (1996)
- Downtown Boca Raton Area-wide Development of Regional Impact and Mizner Park Redevelopment Project (1986-present)
- New Jersey State Development and Redevelopment Plan (1986-1992)
- Comprehensive Plan and Land Development Regulations for the Florida Keys Area of Critical State Concern (1985)
- Pinelands Comprehensive Management Plan for the New Jersey Pinelands Commission (1979-1981, 1985)
- Planning and design, consensus-based study committees
 - West Palm Beach, Florida
 - Oviedo, Florida
- Rural lands preservation
 - Lexington-Fayette County, Kentucky
- Transportation corridor Paris Pike in Lexington, Kentucky
- A statewide consensus building process
- Delaware Public Policy Institute, with funding from the Governor's Office and Delaware DOT
- Gubernatorial study committee
 - North Key Largo
 - Wekiva River Commission
- Junta de Planificación Puerto Rico, new commonwealth-wide plan and implementing regulations

Community Redevelopment

- City of Lauderhill Findings of Necessity and CRA Plans (2002-2004)
- City of Oviedo Downtown Master Plan (2001-2003)
- City of Coral Springs CRA Findings of Necessity, CRA Formation and Community Redevelopment Plan for Coral Springs Town Center (2003)
- Beach by Design, Community Redevelopment Plan for Clearwater Beach (1999-2000)
- Plan de Desarrollo Integral por la Península de Camera, San Juan, Puerto Rico (1992-1994)
- Downtown master plan, downtown DRI, Mizner Park Feasibility Study, conceptual site plan for Mizner Park, drafting public/private partnership for Mizner Park and representing CRA in development of Mizner Park in Boca Raton, Florida (1986-1991)
- City of Coral Gables, Florida, Zoning Code Rewrite (2004-present)
- Miami-Dade County, Florida, Discretionary Development Approvals Rewrite (2003)
- Community Development Code, City of Clearwater, Florida (1999-2000)

Legislative Drafting & Land Use Regulation

- City of North Miami Beach, Zoning Code Rewrite
- City of Coral Gables, Florida, Zoning Code Rewrite (2004-present)
- Miami-Dade County, Florida, Discretionary Development Approvals Rewrite (2003)
- Community Redevelopment Code, City of Clearwater, Florida (1999-2000)
- Zoning Ordinance, City of Wilmette, Illinois (1989-1990)
- Zoning Ordinance and Historic District Regulations, City of Lake Charles, Louisiana (1981-1982)
- Legislation, Florida, New Jersey, Puerto Rico, Illinois, Tennessee, Georgia and Delaware

Land Use Litigation

- *Hernandez v. City of Lafayette*, 643 F.2d 1188 (5th Cir.), reh'g denied, 649 F.2d 336 (1981), cert. denied, 455 U.S. 907 (1982), appeal after remand, 699 F.2d 734 (5th Cir. 1983) (alleged civil rights violation)
- *Hernandez v. City of Lafayette*, 399 So. 2d 1179 (La. Ct. App. 1981), writ denied, 401 So. 2d 1192 (La. 1981), appeal dismissed, 455 U.S. 901 (1982) (reasonableness of denial of rezoning)
- *St. Johns County v. Northeast Florida Builders Assoc., Inc.*, 559 So. 2d 363 (Fla. 5th DCA 1990) (certified as a question of great public importance), quashed 583 So. 2d 635 (Fla.), reh'g denied (1991) (educational facilities impact fees)
- *Glisson et al. v. Alachua County*, 558 So. 2d 1030 (Fla. 1st DCA 1990), rev. denied, 570 So. 2d 1304 (Fla. 1990) (environmental and historical preservation, not a taking)
- *Don's Porta Signs v. City of Clearwater*, 829 F.2d 1051 (11th Cir. 1987), cert. denied, 485 U.S. 981 (1988) (ban on portable signs)
- *Unity Ventures v. County of Lake*, 841 F.2d 770 (7th Cir. 1988), cert. denied, *Alter v. Schroeder*, 488 U.S. 891 (1988) (denial of sewer service alleged to be a violation of anti-trust laws)
- *Graham v. Estuary Properties, Inc.*, 399 So. 2d 1374 (Fla.), reh's denied (1981), cert. denied
- *Taylor v. Graham*, 454 U.S. 1083 (1981) (wetlands preservation and the taking issue)

Development Planning & Permitting

- Amendments to a large office/light industrial park DRI in Boca Raton, Florida, to permit an intermodal transportation facility for the Tri-County Commuter Rail Authority

- Preparation of Boca Raton, Florida's downtown "Area-wide DRI," which led to a revised downtown development plan based on three primary elements — implementation of a beautification plan, a capital facilities plan and a "catalyst for redevelopment" that ultimately became Mizner Park

Articles & Publications

- "Deja Vu All Over Again," *Law Review*, NIU College of Law, 1999
- "Successful Growth Management Techniques: Observations from the Monkey Cage," 29 *The Urban Lawyer* 2, Spring 1997
- "Judicial Review of Local Government Decisions – Midnight in the Garden of Good and Evil," 20 *Nova Law Review* 707, Winter 1996
- "Conditional Zoning in Illinois: Beast or Beauty?," 15 N. Ill. U, *Law Review* 585, 1995
- "School Funding in the 1990's: Impact Fees or Bake Sales?" 44 *Land Use L. and Zoning Digest* 7, 1992
- "Who Should Pay for Free Public Schools in an Expensive Society," 20 *Stetson Law Review* 3, Spring 1991
- "Public Places as Infrastructure," 18 *Environmental and Urban Issues* 2, FAU/FIU Joint Center for Environmental and Urban Problems, Winter 1991
- "Who Owns Cross Creek?" 5 *Jrnl. of Land Use & Env. L.* 323, 1990
- "Carrying Capacity Planning: Rx for the Future?," Implementation of the 1985 Growth Management Act: From Planning to Land Development Regulations (FAU/FIU Joint Center for Environmental and Urban Problems, Monograph #89-1)
- "The Taking Issue Trilogy: The Beginning of the End?," 33 *Journal of Urban and Contemporary L.* 169, 1988
- "Downtown/Areawide DRI's: The Benefits to Growing Communities," *Growth Management Innovations in Florida* (FAU/FIU Joint Center for Environmental and Urban Problems, Monograph #88-1)
- "Plan Implementation in the Florida Keys Through Land Acquisition," 16 *Coastal Management* 93, 1988
- "Legal and Legislative Challenges," B. Robichaud, *Protecting the New Jersey Pinelands*, Rutgers Press, 1987
- "Exactions and Takings after Nollan," 39 *Land Use L. & Zoning Digest*, No. 9, September 1987
- "The Paradox of In Accordance With a Comprehensive Plan' and Post Hoc Rationalizations: The Need for Efficient and Effective Judicial Review of Land Use Regulations," 16 *Stetson Law Review* 604, 1987
- "Who Bears the Cost?," 50 *Law and Contemporary Problems* 115, 1987
- "What Goes Around, Comes Around," in *Perspectives on Florida's Growth Management Act of 1985* (Lincoln Institute of Land Policy, Monograph #86-5)
- Co-Author, "The Zoning Game Revisited," Babcock, Richard and Charles Siemon, Oelgeschlager, Gunn & Hain, 1985
- "Of Regulatory Takings and Other Myths," 1 *Journal of Land Use & Env. L.* 105, 1985
- "The White River Junction Manifesto," 9 *Vermont Law Review* 193, 1984
- "Vested Rights: Balancing Public and Private Development Expectations," *Urban Land Institute*, 1982
- "Flood, Plague and Planning Save the East Everglades," 48 *Planning* No. 9, October 1982
- "Planning for Litigation," 33 *Land Use Law & Zoning Digest* No. 2, February 1981
- "San Diego Gas & Electric," 33 *Land Use Law & Zoning Digest*, No. 5, May 1981
- "A Not So Quiet Revolution," *Environmental Comment*, August 1980

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

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ATTORNEYS AT LAW

- "In Accordance with a Comprehensive Plan: The Myth Revisited," *Institute on Planning, Zoning and Eminent Domain*, 1979
- "Coordination of Permitting Procedures in Management and Control of Growth; Techniques in Application," Vol IV. *Urban Land Institute*, 1978
- "Improving Due Process in Local Zoning Decisions," *Environmental Comment*, August 1976
- Regional Planning (Contributing Author)

Presentations & Seminars

- Moderator, "Insights Into Boca Raton's Growth and Future Development," Urban Land Institute Southeast Florida/Caribbean (ULI) Panel, November 15, 2016
- Co-Chair, "Legislation, Litigation & Looking Forward," CLE International, 18th Annual Land Use Law Conference, Tampa, Florida, August 6-7, 2015
- "Enabling Rural County Zoning," APA National Planning Conference, Seattle, Washington, April 18-21, 2015
- "Community and Culture," TEDx Boca Raton, March 26, 2015
- Co-Chair, "The New Normal," CLE International, 17th Annual Land Use Law Conference, Tampa, Florida, August 21-22, 2014
- Co-Chair, "The New Normal," CLE International, 16th Annual Land Use Law Conference, Tampa, Florida, August 1-2, 2013

Teaching

- University of Illinois, School of Urban Planning Circle Campus (1983-1984)
- Adjunct Professor DePaul University College of Law (1985-1988)
- Lecturer, Northwestern University College of Law (1989-1997)
- John M. DeGrove Eminent Scholar in Growth Management and Development, in School of Urban and Regional Planning at Florida Atlantic University (present)

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

5. Proposers' Estimated Hourly Rate

If selected to provide legal services to the Village we propose the following fee schedule:

Hourly Fee:

- \$195 per hour for attorneys
- \$125 per hour for paralegals
- No charge for secretarial support
- Research, copies, faxes, scans, and word processing will be charged the usual and customary rate.

We estimate that it will take between 75 and 100 hours to complete the assignment outlined in the RFP, and therefore, propose a "not to exceed" fee of \$19,000.00.

References will be provided upon request.

6. Required Proposal Submittal Forms (Section 7.0)

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

SECTION 7.0: Required Proposal Submission Forms

DRUG-FREE WORKPLACE CERTIFICATION

Whenever two or more Bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a Bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie Bids will be followed if none of the tied firms have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under Bid a copy of the statement specified in Subsection (1).
- 4) In the statement specified in Subsection (1), notify the employees, that, as a condition of working of the commodities or contractual services that are under Bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this Firm complies fully with the above requirements.

Signature of Official: _____

Name (typed): John R. Heyin, Jr. _____

Title: Of Counsel _____

Firm: GrayRobinson, P.A. _____

Date: 2/22/2017 _____

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

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ACKNOWLEDGEMENT, WARRANTY AND ACCEPTANCE

A. Firm warrants that it is willing and able to comply with all applicable State of Florida laws, rules and regulations.

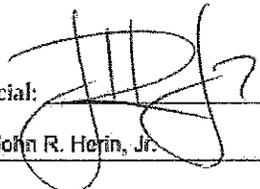
B. Firm warrants that they have read, understand and are willing to comply with all of the requirements of the RFP and the addendum/ addenda nos.

C. Firm warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the Council.

D. Firm warrants that all information provided by it in connection with this proposal is true and accurate.

E. CONTINGENCY FEE AND CODE OF ETHICS WARRANTY:

Firm warrants that neither it, nor any principal, employee, agent, representative or family member has promised to pay, and Firm has not, and will not, pay a fee the amount of which is contingent upon the Village awarding this contract. Firm warrants that neither it, nor any principal, employee, agent, representative has procured, or attempted to procure, this contract in violation of any of the provisions of the Miami-Dade County conflict of interest and code of ethics ordinances. Further, Firm acknowledges that a violation of this warranty will result in the termination of the contract and forfeiture of funds paid, or to be paid, to the Firm, if the Firm is chosen for performance of the contract.

Signature of Official:  _____

Name (typed): John R. Herin, Jr. _____

Title: Of Counsel _____

Firm: GrayRobinson, P.A. _____

Date: 2/22/2017 _____

Village of Palmetto Bay
RF# No. 1617-03-006
February 23, 2017

GRAY ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RF# No. 1617-03-006

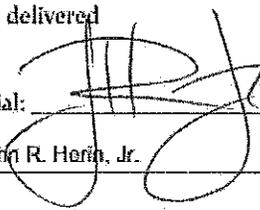
NON-COLLUSIVE AFFIDAVIT

STATE OF Florida }
COUNTY OF Broward } SS:

John R. Herin, Jr. being first duly sworn, deposes and says that:

- (1) He/she is the, (Owner, Partner, Officer, Representative or Agent) of: GrayRobinson, P.A.
the Firm that has submitted the attached Proposal;
- (2) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- (3) Such Proposal is genuine and is not a collusive or a sham Proposal;
- (4) Neither the said Firm nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Firm or person to submit a collusive or sham response in connection with the work for which the attached Proposal has been submitted, or to refrain from responding in connection with such work, or have in any manner, directly or indirectly, sought by agreement or collusion, communication, or conference with any Firm or person to fix this Proposal or to secure through any collusion, conspiracy, connivance, or unlawful agreement, any advantage against the Village of Palmetto Bay, or any person interested in the proposed Work;

Signed, sealed and delivered
In the presence of

Signature of Official:  _____

Name (typed): John R. Herin, Jr. _____

Title: Of Counsel _____

Firm: GrayRobinson, P.A. _____

Date: 2/22/2017 _____

Continued on next page.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

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ATTORNEYS AT LAW

Village of Palmetto Bay, Florida. * LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL, ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

ACKNOWLEDGMENT

State of Florida

County of Broward

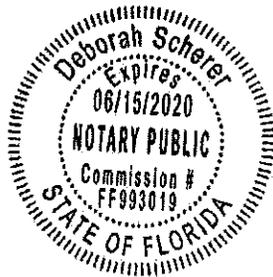
On this Feb. 22 day of, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared John R. Herr, Jr and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal



NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:



Deborah Scherer
(Name of Notary Public: Print, Stamp or
Type as commissioned.)
 Personally known to me, or
 Produced identification:

Personally known
(Type of Identification Produced)
 Did take an oath or
 Did not take an oath.

Village of Palmetto Bay
REP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND-USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* REP No. 1617-03-006

SWORN STATEMENT PURSUANT TO
SECTION 287.133 (3)(a) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the Village OF PALMETTO BAY, FLORIDA

By John R. Herin, Jr.

For GrayRobinson, P.A.

Whose business address is: 401 E. Las Olas Blvd., Suite 1000, Fort Lauderdale, FL 33301

And (if applicable) its Federal Employer Identification Number (FEIN) is: 59-1300132

(If the entity has no FEIN, include the Social Security Number of the individual signing this

Sworn statement - S.S. # _____)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other State or of the United States, including, but not limited to, any Proposal or contract for goods or services to be provided to any public entity or an agency or any political subdivision of any other state or of the United States and involving antitrust fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea or guilty or nah contenders.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, and means:

A. A predecessor or successor of a person convicted of a public entity crime; or

B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which Proposals or applies to Proposal on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

Signed, sealed and delivered in the presence:

Signature of Official: _____

Name (typed): John R. Horn, Jr. _____

Title: Of Counsel _____

Firm: GrayRobinson, P.A. _____

Date: 2/22/2017 _____

Continued on next page.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida * LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

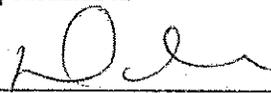
ACKNOWLEDGMENT

State of Florida

County of Broward

On this Feb 22 day of 2017, before me, the undersigned Notary Public of the State of Florida personally appeared John R. Herin, Jr and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

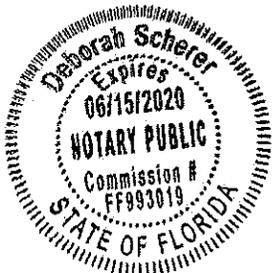
WITNESS my hand and official seal


NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:

Deborah Scherer
(Name of Notary Public: Print, Stamp or Type as commissioned.)

Personally known to me, or
 Produced identification:



(Type of Identification Produced)
 Did take an oath or
 Did not take an oath.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida * LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

**AMERICANS WITH DISABILITIES ACT (ADA)
DISABILITY NONDISCRIMINATION STATEMENT**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER
OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the VILLAGE OF PALMETTO BAY, FLORIDA

by: John R. Harin, Jr., Of Counsel

(print individual's name and title)

for: GrayRobinson, P.A.

(print name of entity submitting sworn statement)

whose business address is: 401 E. Las Olas Blvd., Suite 1000, Fort Lauderdale, FL 33301

and (if applicable) its Federal Employer Identification Number (FEIN) is:
59-1300132

(If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement:
_____.)

I, being duly first sworn state: That the above named Firm, corporation or organization is in compliance with and agreed to continue to comply with, and assure that any sub-Firm, or third party Firm under this project complies with all applicable requirements of the laws listed below including, but not limited to, those provisions pertaining to employment, provision of programs and services, transportation, communications, access to facilities, renovations, and new construction.

The American with Disabilities Act of 1990 (ADA), Pub. L. 101-336, 104 Stat 327, 42 USC 12101-12113 and 47 USC Sections 225 and 661 including Title I, Employment; Title II, Public Services; Title III, Public Accommodations and Services Operated by Private entities; Title IV, Telecommunications; and Title V, Miscellaneous Provisions.

The Florida Americans with Disabilities Accessibility Implementation Act of 1993, Section 553.501-553.513, Florida Statutes:

The Rehabilitation Act of 1973, 29 USC Section 794;

The Federal Transit Act, as amended 49 USC Section 1612;

The Fair Housing Act as amended 42 USC Section 3601-3631.

Signature of Official: _____

Name (typed): John R. Harin, Jr.

Title: Of Counsel

Firm: GrayRobinson, P.A.

Date: 2/22/2017

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON

ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

ACKNOWLEDGMENT

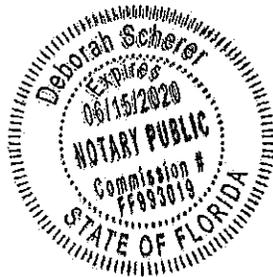
State of Florida

County of Broward

On this Feb. 22 day of, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared John R. Herin, Jr. and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA



NOTARY PUBLIC
SEAL OF OFFICE:

Deborah Scherer

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

Personally known to me, or
 Produced identification:

(Type of Identification Produced)

Did take an oath or
 Did not take an oath.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida * LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

BUSINESS ENTITY AFFIDAVIT
(FIRM / PROPOSER DISCLOSURE)

I, John R. Herin, Jr. being first duly sworn

state:

The full legal name and business address of the person(s) or entity contracting or transacting business with the Village of Palmetto Bay ("Village") are (Post Office addresses are not acceptable), as follows:

59-1300132

Federal Employer Identification Number (If none, Social Security Number)

GrayRobinson, P.A.

Name of Entity, Individual, Partners or Corporation

Doing Business As (If same as above, leave blank)

401 E. Las Olas Blvd., Suite 1000, Fort Lauderdale, FL 33301

Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contact or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. All such names and addresses are (Post Office addresses are not acceptable), as follows:

<u>Full Legal Name</u>	<u>Address</u>	<u>Ownership</u>
		<u>0%</u>
		<u>0%</u>
		<u>0%</u>

GrayRobinson is a Professional Association of which all 161 Equity Shareholders own equal shares yielding less than 1% ownership per Equity Shareholder. Mayanne Downs is the President and Managing Director and Byrd F. "Biff" Marshall, Jr. serves as Chairman of the Board. J. Charles Gray serves as Chairman Emeritus and Founding Partner of GrayRobinson and continues to practice law full-time.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

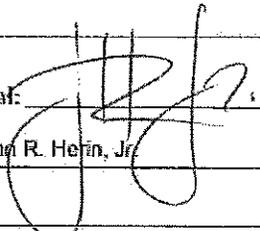
GRAY | ROBINSON
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Village of Palmetto Bay, Florida * LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

2. The full legal names and business address of any other individual (other than subFirms, material men, suppliers, laborers, or lenders) who have, or will have, any interest (legal, equitable, beneficial or otherwise) in the contract or business transaction with the Village are (Post Office addresses are not acceptable), as follows:

N/A

Signature of Official: 

Name (typed): John R. Herin, Jr.

Title: Of Counsel

Firm: GrayRobinson, P.A.

Date: 2/22/2017

ACKNOWLEDGMENT

State of Florida

County of Broward

On this Feb. 22 day of, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared John R. Herin, Jr. and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal


NOTARY PUBLIC, STATE OF FLORIDA

Continued on next page.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

RFP No. 1617-03-006



NOTARY PUBLIC
SEAL OF OFFICE:

Deborah Scherer

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

Personally known to me, or
 Produced identification:

(Type of Identification Produced)

Did take an oath or
 Did not take an oath.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY ROBINSON
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Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

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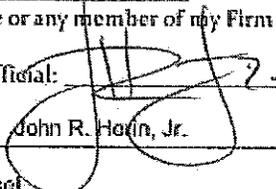
VILLAGE OF PALMETTO BAY
ANTI-KICKBACK AFFIDAVIT

STATE OF Florida)

SS:

COUNTY OF Broward)

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the Village of Palmetto Bay, its elected officials, and GrayRobinson, P.A. or its design firms, as a commission, kickback, reward or gift, directly or indirectly by me or any member of my Firm or by an officer of the corporation.

Signature of Official:  _____

Name (typed): John R. Horin, Jr. _____

Title: Of Counsel _____

Firm: GrayRobinson, P.A. _____

Date: 2/22/2017 _____

Continued on next page.

Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

ACKNOWLEDGMENT

State of Florida

County of Broward

On this Feb. 22 day of, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared John R. Henry, Jr. and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

[Signature]
NOTARY PUBLIC, STATE OF FLORIDA

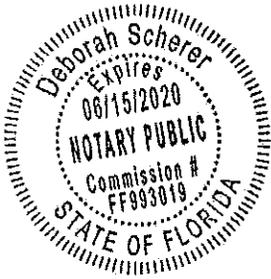
NOTARY PUBLIC
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Village of Palmetto Bay
RFP No. 1617-03-006
February 23, 2017

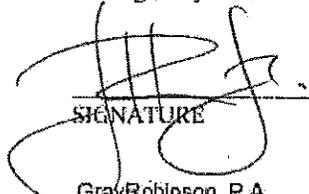
GRAY | ROBINSON
ATTORNEYS AT LAW

Village of Palmetto Bay, Florida *LEGAL SERVICES SPECIALIZING IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

**AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.



SIGNATURE
GrayRobinson, P.A.

NAME OF FIRM

John R. Herin, Jr.

PRINTED NAME
Of Counsel

TITLE

Village of Palmetto Bay, Florida * LEGAL SERVICES SPECIFICATIONS IN LAND USE AND MUNICIPAL ZONING LAWS AND REGULATIONS

* RFP No. 1617-03-006

Form **W-9**
Rev. August 2013
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

Give Form to the requester. Do not send to the IRS.

Name for which you are requesting a TIN
GrayRobinson, P.A.

Check appropriate box for federal tax classification:
 Individual payee
 S Corporation
 C Corporation
 Partnership
 Trust/estate
 Limited liability company. Enter the tax classification (S-C corporation, S-S corporation, P-partnership) _____
 Other (see instructions) *

Address (number, street, and apt. or suite no.)
301 E. Pine Street, Suite 1400

City, state, and ZIP code
Odando, FL 32801

List account number(s) (see instructions)

Employer's EIN (see instructions)

Employer's tax ID number (if any)

Employer's name (if any)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on the "Name" line to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Social security number

--	--	--	--	--	--	--	--	--	--

Employer identification number

5	9	-	1	3	0	0	1	3	2
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Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must check item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person  Date: **2/22/2017**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. The IRS has created a page on IRS.gov for information about Form W-9, at www.irs.gov/w9. If there are any future developments affecting Form W-9 that are not included here, we will post them on that page.

Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, by account, income paid to you, payments made to you in settlement of payment card and third party payment transactions, and estate tax credits, or to report a foreign trust, contribution or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien) to provide your correct TIN to the person requesting it (the requester) and other applicable to:

- Clarify that the TIN you are giving is correct for you are waiting for a number to be issued.
- Clarify that you are not subject to backup withholding, or
- Check appropriate boxes backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your dividends from all any portfolio of securities from a U.S. issuer or business are not subject to the withholding for on foreign partners' share of effectively connected income, and
- Check the FATCA code(s) entered on this form (if any) indicating that you are exempt from FATCA reporting, if correct.

Note. If you are a U.S. person and a requester gives you a Green other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, estate, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-2).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partner's share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to purchase a U.S. partner in a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

7. Addenda

Litigation

In any firm with hundreds of clients and 300 attorneys in 13 offices around the state, there will inevitably be an occasional dispute between the law firm and a client. GrayRobinson and its attorneys have a few disputes involving matters that would be entirely irrelevant to the Village of Palmetto Bay's operational and legal needs. GrayRobinson is contesting each of the disputes vigorously and expects to prevail on each or, in the worst case, settle on reasonable terms that will not jeopardize the financial viability of the firm. The firm is also fully insured with respect to any pending claims. The GrayRobinson team is proud of its reputation for honest, straightforward, ethical dealings with its respective clients. That is our culture, and we will be pleased to bring that culture to the table in the course of being involved in the Village of Palmetto Bay's legal work in Florida.

Sanctions/Grievances

There have been isolated cases where The Florida Bar was required to make inquiry of GrayRobinson attorneys regarding alleged grievances or complaints. All inquiries have concluded with no determinations made in favor of the complainants or a finding of probable cause and thus those inquiries were dismissed.

None of the attorneys that will be working on Village matters pursuant to this RFP are the subject of any claims, sanctions or grievances.



Request for Proposal # 1617-03-006

Legal Services Specializing in Land Use and Municipal Zoning Laws and Regulations

Submitted on: February 23, 2017

Submitted to: Missy Ochoa
Village Clerk, Village of Palmetto Bay

Submitted by: Quintairos, Prieto, Wood & Boyer, P.A.
Franklin G. Cosmen, Jr., Esquire
9300 S. Dadeland Blvd., 4th Floor
Miami, Florida 33156
Phone: (305) 670-1101
Fax: (305) 670-1161
Email: fcosmenk@qpwbllaw.com

www.qpwblaw.com

Miami – Fort Lauderdale – Tampa – Orlando – Jacksonville – Tallahassee – Fort Myers
Louisville – Lexington – West Palm Beach – Chicago – Pensacola – Phoenix – Panama City
U.S. Virgin Islands – Los Angeles – Dallas – Michigan – Atlanta – New York

Village of Palmetto Bay
Attn: Missy Ochoa, Village Clerk
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

Request for Proposal (RFP)
Legal Services, RFP 1617-03-006
Legal Services Specializing in Land Use and Municipal Zoning Laws and Regulations

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QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

ATTORNEYS AT LAW

WWW.QPWBLAW.COM

8300 SOUTH DADELAND BOULEVARD, 4TH FLOOR
MIAMI, FLORIDA 33156

TELEPHONE: (305) 670-1101 ♦ FACSIMILE: (305) 670-1161

February 23, 2017

Missy Ochoa, Village Clerk
Village of Palmetto Bay
9705 E. Hibiscus Street
Palmetto Bay, Florida 33157

Re: Legal Services Specializing in Land Use and Municipal Zoning Laws and Regulations
RFP # 1617-03-006

Dear Ms. Ochoa,

My name is Franklin G. Cosmen, Jr. and I am the proposing partner for Quintairos, Prieto, Wood & Boyer, P.A. (hereinafter "QPWB"). I am writing to submit the enclosed Proposal in response to RFP #1617-03-006.

QPWB is a Professional Association recognized by the Secretary of State, for the State of Florida, Department of State. The firm understands the scope of the services to be provided and is capable of complying with all the terms and conditions in the above identified Request for Proposal. QPWB is a full service Florida based law firm with 356 lawyers nationwide in twenty (20) offices. The primary lawyer, Jeffrey P. Buak, is partner in our Orlando office and is Board Certified by the Florida Bar in real estate law (previously Board Certified in City, County & Local Government Law) and who has practical experience in the representation of local governments since 1998.

As identified above, the primary lawyer in this response is a board certified lawyer. The requirements to achieve this designation and maintain the level of competence to remain certified is rigorous. Not only must the lawyers have substantial competence and experience, they are also subject to "peer review" by numerous other lawyers and Judges throughout the State.

Page 1

As a full service firm, we have the benefit of having lawyers with experiences and specialties in nearly all areas of civil law which can be harnessed for the benefit of our clients and their diverse legal needs. Our lawyers pride themselves in being pro-active and strive to work hand-in-hand with our clients to fully analyze and assess each legal matter in order to assist reaching the best resolution for the client and as early as possible.

It would be an honor to represent the Village of Palmetto Bay in order to issue a legal opinion addressing the authority of the Village Council to repeal a resolution and ordinance previously adopted and we commit to provide the highest quality and level of legal services the Village expects and deserves.

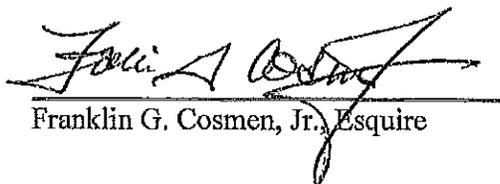
The contact information for the individuals regarding the proposal is as follows:

Franklin G. Cosmen, Jr., Esq. (proposing partner)
Quintairos, Prieto, Wood & Boyer, P.A.
9300 S. Dadeland Blvd., Suite 400
Miami, Florida, 33156
Phone – 305-670-1101
Email – fcosmen@qpwbllaw.com

Jeffrey Buak, Esq. (primary lawyer)
Quintairos, Prieto, Wood & Boyer, P.A.
255 S. Orange Avenue, Suite 900
Orlando, Florida 32801
Phone – 407-872-6011
Email – jbuak@qpwbllaw.com

Thank you for your anticipated attention in this matter. Should you have any questions, please do not hesitate to contact me. I look forward to hearing from you soon.

Respectfully yours,


Franklin G. Cosmen, Jr., Esquire

Enclosures

EXECUTIVE SUMMARY

QPWB is well qualified to perform the work being sought by the Village of Palmetto Bay. We have attorneys that are well-qualified to perform the work in a competent and efficient manner. As the proposer for this Response, I have been licensed in the state of Florida for 20 years and am AV rated by Martindale Hubble. I have a varied practice which includes, several years as a law clerk to a United States Magistrate Judge, where a number of different matters were heard, including some zoning issues. I have also represented the City of Coral Gables in defense of a personal injury matter. I have developed an extensive appellate practice as well.

More importantly, one of our partners, Jeffrey Buak, will be the lead attorney assigned to this project. He is an AV rated, Board Certified attorney with over 20 years of experience in commercial and real estate transactions. He has represented local governments and enjoyed a successful career with a wide range of experience. He also was previously Board Certified in City, County, and Local Government Law. His experience is more specifically detailed in his attached resume.

MINIMUM QUALIFICATION REQUIREMENTS

Please see attached resumes for Franklin G. Cosmen, Jr. and Jeffrey P. Buak.

FRANKLIN G. COSMEN, JR.

12065 SW 116 Terrace
Miami, FL 33186
(Home) - 305-279-4860
(Work) - 305-670-1101
(Cell) - 305-632-09191

LEGAL EXPERIENCE

Partner, Quintairos, Prieto, Wood & Boyer, P.A. (AV Rated by Martindale Hubble)

March, 2011 - Present

Practice in State and Federal Courts concentrating mainly on commercial litigation matters. Practice includes litigation and appeals related to commercial collections, default servicing, defense of Fair Credit Reporting Act cases, other commercial matters, construction litigation, toxic tort and wrongful death matters. Regularly draft pleadings, motions, discovery requests and responses as well as memoranda at the trial level. Research discovery and litigation issues that arise at trial level. Implement solutions to discovery disputes that arise. Draft briefs and attend oral arguments at the appellate level. Supervise two associates in the management of case strategy at all levels. Attend trials, hearings, depositions, arbitrations, mediations, oral arguments, and various site inspections. Manage significant high-risk caseload. Heavy client contact regarding case management and strategy. Consult with experts regarding in pretrial preparations. Member of the firm's Financial Services Division.

Senior Associate, Fowler White Burnett, P.A., Miami, Florida (AV Rated by Martindale Hubble)

May, 2004 - March, 2011

Practice in State and Federal Courts concentrating mainly on commercial litigation matters. Practice includes litigation related to real property title actions, commercial collections, defense of Fair Credit Reporting Act cases, contract issues, construction litigation, commercial airline warranty claims and other commercial matters. Regularly draft pleadings, motions, discovery requests and responses as well as memoranda at the trial level. Litigate contractual disputes. Draft and negotiate contracts prior to execution by clients. Research discovery and litigation issues that arise at all levels. Implement solutions to discovery disputes that arise. Draft appellate briefs. Attend trials, hearings, depositions, arbitrations, mediations and various site inspections. Manage caseload of over 40 cases as well as observing and assisting partners in all phases of litigation. Consult with experts regarding in pretrial preparations.

Associate, Arnstein & Lehr LLP, Miami, Florida

March, 2001 - May, 2004

Litigation practice in State and Federal Courts which concentrated on defense of insurance bad faith actions, premises liability, construction litigation, contract disputes, products liability, administrative actions, class actions and other commercial matters. Regularly drafted pleadings, motions, discovery requests and memoranda at the trial level. Researched discovery and litigation issues that arose at the trial level. Recommended possible solutions to discovery disputes that occurred. Attended hearings, depositions, arbitrations, mediations and various site inspections. Practice also concentrated on representing clients at the appellate level. Managed caseload as well as assisted partners in all phases of litigation. Discussed case status with clients and suggest possible case strategies. Consulted with experts regarding scientific and medical evidence.

Adjunct Professor, St. Thomas University School of Law, Miami, Florida

August 2002 - May 2004

Taught field placement clinic for students interning with various U.S. District and Magistrate Judges in the Southern District of Florida as well as the Third District Court of Appeals. Prepared class outline, guided discussions of legal problems unique to law clerks for trial and appellate judges, prepared assignments for students. Evaluated student performance based on reviews by supervising judges.

Associate, Josephs, Jack & Gaebe, P.A., Miami, Florida

January 2000 - March, 2001

Litigation practice primarily in State court that concentrated on defense of premises liability, construction litigation, auto accidents and similar insurance defense matters. Experienced with the regular drafting of pleadings, motions, and memoranda at the trial level. Also, experienced in the drafting of discovery requests and responses. Researched litigation issues that arose. Recommended possible responses

PROFESSIONAL ACTIVITIES

Member, Florida Bar
Florida Bar Committee Chair - Committee for the Unlicensed Practice of Law. 2013-Present

PUBLISHED OPINIONS AND CASES

K.W. v. State, 665 So.2d 383 (Fla. 3d DCA 1996)
Buczek v. Trans Union, LLC, 2006 WL 3666635 (S.D. Fla. Nov. 9, 2006)
Varricchio v. Capital One Service, Inc, et al., 2007 WL 917226 (S.D. Fla. March 23, 2007)
Pearl v. Shipple, 345 Fed.Appx. 384 (11th Cir. 2009)
Menashi v. American Home Mortgage Servicing, Inc., 2011 WL 4599816 (M.D. Fla. 2011)
Davis v. US Bank National Association, 2011 WL 6217098 (N.D. Fla. 2011)
DeZayas v. Bellsouth Telecommunications, Inc., 841 F.Supp.2d 1257 (S.D. Fla. 2012)
Stroud v. Bank of America, et al., 886 F.Supp.2d 1308 (S.D. Fla. 2012)
Barnes v. Eastern Savings Bank, FSB, 103 So. 3d 164 (Fla. 3d DCA 2012)
JA&M Developing Corporation v. Perez, 114 So. 3d 410 (Fla. 3d DCA 2013)
Scott v. HSBC Bank USA, National Association, 125 So. 3d 968 (Fla. 4th DCA 2013)
Rolle v. Deutsche Bank National Trust Company, 128 So. 3d 811 (Fla. 4th DCA 2013)
Korman v. Gray, et al., 2013 WL 6002211 (S.D. Fla. Nov. 12, 2013)
Korman v. Gray, et al., 2014 WL 3695402 (S.D. Fla., July 24, 2014)
Hoyos v. GRP Loan, LLC, 155 So. 3d 363 (Fla. 5th DCA 2014)
Korman v. Gray, et al., 2015 WL 195508 (S.D. Fla. Jan. 14, 2015)
Williams v. JPMorgan Chase Bank National Association, 2015 WL 854194 (Fla. 5th DCA, Feb. 24, 2015)
Alexander, et al. v. SunTrust Mortgage, Inc., et al., 2015 WL 9811642 (M.D. Fla., Mar. 5, 2015)
Poitier v. U.S. Bank Trust Nat. Ass'n., 2015 WL 2127093 (Fla. 4th DCA, May 7, 2015)
O'Brien v. Wells Fargo Bank, N.A., 174 So. 3d 1005 (Fla. 2d DCA 2015)
Castellano v. Deutsche Bank Nat. Trust, 179 So. 3d 324 (Fla. 2d DCA 2015)
Waldron v. JPMorgan Chase Bank Nat. Ass'n, 178 So. 3d 412 (Fla. 2d DCA 2015)
Korman v. SRMOF II 2011-1 Trust, 2015 WL 6555008 (S.D. Fla. Oct. 28, 2015) – MTD Granted
(adopted Magistrate's R&R 2015 WL 6121382 Oct. 15, 2015)
Lewis v. Vanderbilt Mortg. & Finance, Inc., 178 So. 3d 417 (Fla. 4th DCA 2015)
DeJesus v. HSBC Bank USA, N.A., 178 So. 3d 696 (Fla. 3d DCA 2015)
Vallandingham v. SRMOF II 2012-1 Trust, 181 So. 3d 507 (Fla. 5th DCA 2015)
Korman v. Aurora Loan Services, LLC, 181 So. 3d 589 (Fla. 4th DCA 2016) ("Korman I")
Korman v. Aurora Loan Services, LLC, 2016 WL 1457052 (Fla. 4th DCA April 14, 2016) ("Korman II")

ARTICLES

The Delay Game - Residential Foreclosures - DS News January, 2012 - Co-Author

MILITARY EXPERIENCE

United States Air Force

Aircrew Life Support Supervisor; (Technical Sergeant, E-6) United States Air Force;

Various Duty Stations

July 1978 - August 1989

Honors: Recipient of the Air Force Commendation Medal and Air Force Achievement Medal for meritorious service. Recipient of three Air Force Good Conduct Medals. Twice selected as Non-Commissioned Officer of the Month.

COMMUNITY INVOLVEMENT

Local Board Member, Selective Service System, April, 2004 - Present

Board Member - South Florida Chapter, Juvenile Diabetes Research Foundation, 2009 – 2012



QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
Attorneys At Law

F R A N K L I N G . C O S M E N , J R .

Attorney At Law

MIAMI OFFICE

9300 South Dadeland Blvd.
4th Floor
Miami, FL 33156

Telephone: (305) 670-1101
Facsimile: (305) 670-1161

fcosmen@qpwb.com



Franklin G. Cosmen, Jr., is a partner in the Miami office of Quintairos, Prieto, Wood & Boyer, P.A., where he practices in the areas of construction law, products liability, property and casualty law, insurance defense and commercial litigation. Mr. Cosmen represents companies and individuals in a broad range of matters involving information technology, professional liability, real estate/construction litigation, banking and finance and intellectual property. Mr. Cosmen has extensive experience handling coverage claims and defending insurers against extracontractual "bad faith" actions, premises liability, products liability, and commercial airline warranty claims. His practice also focuses in the areas related to real property title actions, commercial collections, fraudulent practices,

debt collections, defense of Fair Credit Reporting Act claims, contractual issues, and includes the prosecution and defense of mortgage defaults.

In addition, Mr. Cosmen regularly represents business entities in disputes arising from the sales of goods or services, and in partnership/joint venture agreements. He represents clients in state and federal courts, in appeals, arbitrations, mediations, and in administrative actions. Mr. Cosmen has attained a preeminent rating of AV[®] from Martindale-Hubbell Law Directory.

Mr. Cosmen devotes a significant portion of his practice to litigating title insurance policies. He has represented one of the three national credit reporting companies in defending Fair Credit Reporting Act (FCRA) claims.

Prior to joining QPWB, Mr. Cosmen practiced with a Miami law firm managing an extensive and diverse caseload of commercial litigation matters. He was also an attorney at other Miami law firms and he focused in the areas of automobile liability, general insurance defense, and toxic torts.

Mr. Cosmen received his Juris Doctor, with honors, from St. Thomas University School of Law, Miami, Florida in 1996, and a Bachelor of Arts *cum laude* from St. Leo College, Florida in 1986. While in law school, he served as articles editor of the *St. Thomas Law Review*. He also served on the moot court as executive vice president, and was the recipient of Book Awards in Florida Constitutional Law and Trial Advocacy.

Mr. Cosmen is licensed to practice law in Florida and is a member of The Florida Bar; he is also admitted in the U.S. District Courts for the Southern, Middle, and Northern Districts of Florida and the U.S. Court of Appeals Eleventh Circuit.

Mr. Cosmen served in the United States Air Force for 11 years.





QUINTAIROS, PRIETO, WOOD & BOYER, P.A.
Attorneys At Law

F R A N K L I N G . C O S M E N , J R .

Attorney At Law

Select Decisions:

Barnes v. Eastern Savings Bank, FSB, Case No. 3D12-1183 (Fla. 3rd DCA 12/19/2012) (per curiam affirmed)

- Trial counsel and lead appellate counsel on brief and oral argument in bank's answer to mortgagee's challenge to legal sufficiency of notice of default under paragraph 22 of the mortgage.

DeZayas v. AT&T Florida d/b/a Bellsouth, 841 F. Supp. 2d 1257, 2012 WL 161330 (S.D.Fla. 2012)

- Assisted in defense against toxic tort case brought under the Florida Water Quality Assurance Act, Fla.Stat. §376.30, for alleged contamination from a pentachlorophenol treated wood utility pole with a potential for national class action; plaintiffs demanded \$600K+ and free hook-up to the county water supply; defense motion for final summary judgment granted against plaintiffs whose cross-motion for summary judgment was denied [D.E. nos. 129, 136, 137].

Speaking Engagements:

- Adjunct Professor, Clinic for Judicial Law Clerks, St. Thomas University School of Law (2003-2004).

Professional and Civic Involvement:

- Defense Research Institute
- Peter T. Fay American Inn of Court at St. Thomas
- Chamber South
- Juvenile Diabetes Research Foundation, South Florida Chapter, Board Member
- United States Selective Service System, Local Board Member
- Wounded Warrior Project, Volunteer

JEFFREY P. BUAK

Quintairos, Prieto, Wood & Boyer, P.A.

(407) 872-6011 · jbuak@qpwbllaw.com

Profile

Board certified attorney with over 20 years experience in commercial and real estate transactions, as well as, representation of local governments, with a successful career characterized by front-line positions in local and national law firms and government.

Areas of Relevant Expertise

- Handle complex real estate purchase and sale transactions.
- Coordinate due diligence studies on land transactions.
- Obtain government entitlements for development.
- Establish solid working relationship with Central Florida local governments.
- Track record of working out capacity enhancement agreements with the Orange County School Board.
- Negotiate and implement multi-party/complex development agreements.
- Experienced with alternative financing arrangements.
- Analyze restrictive covenants and resolve potential conflicts for big box retailers.
- Draft commercial leases, arrange workouts and handle evictions.
- Currently representing a nationwide provider of assisted and nursing care to the elderly, advising on real estate and landlord/tenant issues in 10 states.
- Prepare licensing, importation and distribution agreement for over the counter medications.
- Provide counsel on copyright/trademark issues, including licensing of intellectual property rights.
- Conduct land-use feasibility studies for car dealerships relating to proposed sites.
- Assist with developing vendor contracts and employment agreements.
- Provide advice and counsel in a wide range of areas to include land use regulation, utilities, municipal finance, and general contract negotiation for local governments.
- Serve as special counsel to municipalities across Florida; Communication Services Taxation and Adult Entertainment Regulation.
- Work closely with State and Federal agencies relating to development review.
- Provided analysis and guidance on issues relating to the Florida Building Code, planning & zoning matters, economic development opportunities, code enforcement, condemnation, developments of regional impact, and community redevelopment areas.

Qualifications/Achievements include:

- Previous General Counsel to a privately held company operating sub-prime auto finance and hotel acquisition and operations divisions.
- Proven track record of effectively representing governmental entities and the needs of major commercial entities and land developers.
- Published author on: "Legal Aspects of Communication Services Tax Simplification Act"; "Constitutionality of Youth Protection Ordinances"; "Quasi-Judicial Considerations for Zoning Amendments."
- Vice-President and General Counsel to the Gay, Lesbian, Bisexual and Transgender Community Center of Central Florida, Inc.
- Former Chairman of the Planning & Zoning Commission/Land Planning Agency for the City of Casselberry, Florida; former member of the Planning and Zoning Commission for the Town of Montverde; former counsel to the Florida Trail Association.
- Licensed to practice law in Florida since 1993.
- Board Certified in Real Estate Law, by The Florida Bar.
- Formerly Board Certified in City, County and Local Government Law, by The Florida Bar.
- AV Rated by Martindale Hubble

Career Overview

QUINTAIROS, PRIETO, WOOD & BOYER, P.A., Partner, Orlando office	December 2009 – Present
UNGER, ACREE, GILBERT, TRESSLER, TACKTILL & BUAKE, P.L. Shareholder/Partner, Orlando office	June 2007 - December 2009
SHUTTS & BOWEN, LLP Partner, Orlando Office	May 2006 - June 2007
AKERMAN, SENTERFITT & EIDSON, P.A. Of Counsel/Partner, Orlando Office	July 2005 - May 2006
BROWN, GARGANESE, WEISS & D'AGRESTA, P.A. Partner, Orlando Office	January 2001 - July 2005
CITY OF FORT MYERS, FLORIDA Assistant City Attorney	July 1999 - January 2001
AMERICAN NATIONAL ACCEPTANCE CORPORATION General Counsel/Chief Operating Officer, Daytona Beach	February 1996 - June 1999
LAW OFFICES OF JEFFREY P. BUAKE Founder/Shareholder, Altamonte Springs	October 1993 - February 1996

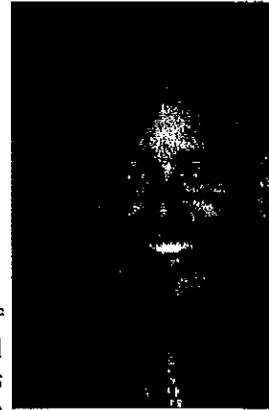
Education

ST. THOMAS UNIVERSITY SCHOOL OF LAW	1990 - 1993
UNIVERSITY OF CENTRAL FLORIDA	1987 - 1989
SEMINOLE COMMUNITY COLLEGE	1984 - 1987

Jeffrey P. Buak

Orlando, Florida
Partner

Phone: (407) 872-6011
Fax: (407) 872-6012
Email: jbuak@qpwblaw.com



Jeffrey P. Buak is a partner in the Orlando office of Quintairos, Prieto, Wood & Boyer, P.A. specializing in real estate development and land transactions. He has extensive experience representing corporate real estate developers, and local governments. His knowledge and experience with local governments benefits his clients in the approval and development stages of real estate development and adds to his practice in real estate and land use law.

As a lawyer who has represented nationwide real estate developers, he has handled large transactions and alternative financing agreements, including off-balance sheet purchases and land-banking arrangements. Mr. Buak also works with businesses throughout Florida on a wide range of issues from business development, intellectual property rights, licensing, mergers and acquisition, commercial leasing, landlord/tenant disputes; construction lien law, and commercial lien law.

Representing and practicing before local governments is also a significant portion of his practice, as such, he is currently Board Certified in Real Estate Law and formerly Board Certified in City, County and Local Government Law by The Florida Bar. Mr. Buak currently serves as Hearing Officer for the Orange County Commissioners, and has served as Deputy City Attorney to several Central Florida municipalities providing general counsel service to the various departments and the City Counsels. Areas in which Mr. Buak assisted include but are not limited to zoning and land development, real estate transactions, purchasing procedures and practices, code enforcement, building/fire code compliance, and municipal finance. He also represented municipalities, counties, and special districts on issues relating to franchising and telecommunications.

Mr. Buak is the recipient of a AV® rating given by Martindale-Hubbell for excellence in legal ability and ethics.

Development - In projects ranging from single-use commercial buildings to developments of regional impact, Mr. Buak assists developers, property owners and investors with buying, developing, and entitling residential and commercial projects. Examples of the types of developments Mr. Buak has been involved with include, but are not limited to the following:

1. Negotiating and implementation of a developer agreement for a private/public partnership entitling the land owner to construct two condominium towers along the inter-coastal river with an accompanying limited access marina and public park.
2. Responsible for the assemblage of nearly 900 agricultural acres within an urban redevelopment area, and put together and is leading a team of

consultants for the development of a "high-end" gated 2,000 single-family/multi-family low impact ("green") designed project.

3. Represents the largest retail mall developer in the Caribbean, and is actively assisting with the review and due diligence of potential sites for a regional mall to be located in Central Florida.
4. Represents a big box retailer in land use, restrictive covenants and easement issues.
5. Assisting with the development of a prototype off-campus student housing project, which is to be constructed in Florida and then used nationwide.

Finance - Works with lenders and borrowers on interim and permanent mortgage loans on commercial projects. Also handles workouts, bankruptcies, foreclosures and restructuring of troubled projects. While serving as general counsel to the auto finance company he managed a 30-member professional team which were broke out into collections, accounting, legal and recovery departments. Mr. Buak was responsible for an average case load of 400 files.

Construction - Helps developers, home builders and contractors negotiate design-build contracts, equipment leases, and sub-contractor agreements. Mr. Buak assists with the application and processing permits for approvals relating to on-site stormwater, endangered species, and archeological deposits. Mr. Buak is also very familiar with the requirements of the Florida Building and Fire Codes, as he provided statewide lectures on the subject during the adoption of the current state-wide codes. Having previously represented several building and fire officials, Mr. Buak is keenly aware of the concerns of local governments to provide for life-safety issues, but has success in obtaining relief from such codes where alternative interpretations can be proffered or mitigation suggested that results still in a safe and efficient building process.

Land Use and Zoning - Advises and represents developers on land use and zoning issues, including but not limited to comprehensive land use amendments, zoning amendments, processing of developments of regional impact, the negotiation and adoption of site-specific design standards for planned unit/cluster developments and negotiates developer agreements for concurrency management mitigation for roads, schools, and other infrastructure. As a previous government lawyer, Mr. Buak participated in all phases of comprehensive planning from working with planners to develop community goals and objectives related to land use, to the processing of plan amendments to adopted plans to meet changing conditions and analyzing requests for changes to both the comprehensive plan and land development regulations. As an attorney representing private developers, Mr. Buak uses his experience with governmental entities to expedite the application and review process relating to modifications of existing plan requirements or zoning codes. Mr. Buak regularly appears before local, state and federal agencies on behalf of his clients and has been very effective in assisting them reach their development goals.

Eminent Domain and Condemnation - Represents property owners, business owners, lessees and mortgagees in eminent domain and condemnation proceedings, as well as with inverse condemnation proceedings.

Title Insurance - Acts as agent for most major title insurance companies, in issuing

owners and mortgagee title insurance policies for both residential and commercial transactions.

It takes a strong combination of skills to compete in today's real estate market. And our team can help you from first assessment to final sale. Our practice group has the experience to know what works, the knowledge to solve tough problems and the sophistication to use the latest strategies.

Mr. Buak handles projects of all sizes: residential and condominium developments, office buildings, shopping centers, industrial parks, hotels and resort properties, hospitals and manufacturing plants. We have helped clients reach their goals with successful deals and effective negotiations. Attorneys in our firm also have Florida Bar board certification and training. These top attorneys use a hands-on approach to work directly with you from start to finish.

Using this combination of skills, experience and client service, we've served as trusted advisors to major companies in U.S. and international markets.

Certifications

Formerly Board Certified in City, County and Local Government Law by The Florida Bar

Current Board Certified in Real Estate Law by The Florida Bar

Authorized Title Agent

Peer Review Rating

AV® Rated*

Education

J.D., St. Thomas University, 1993

B.A. Political Science, University of Central Florida, 1989

* CV, BV and AV are registered certification marks of Reed Elsevier Properties Inc., used in accordance with the Martindale-Hubbell certification procedures, standards and policies."

PROPOSER'S ESTIMATED HOURLY RATE

POSITION	HOURLY BILLING RATE
1. Senior/Primary Partner	\$250.00/hr
2. Associate	\$200.00/hr
3. Paralegal Department, as specified	\$ 90.00/hr

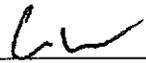
SECTION 7.0: Required Proposal Submission Forms

DRUG-FREE WORKPLACE CERTIFICATION

Whenever two or more Bids, which are equal with respect to price, quality, and service, are received by the State or by any political subdivision for the procurement of commodities or contractual services, a Bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie Bids will be followed if none of the tied firms have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

- 1) Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
- 2) Inform employees about the dangers of drug abuse in the workplace, the business' policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
- 3) Give each employee engaged in providing the commodities or contractual services that are under Bid a copy of the statement specified in Subsection (1).
- 4) In the statement specified in Subsection (1), notify the employees, that, as a condition of working of the commodities or contractual services that are under Bid, the employee will abide by the terms of the statement and will notify the employee of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
- 5) Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program, if such is available in the employee's community, by any employee who is so convicted.
- 6) Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this Firm complies fully with the above requirements.

Signature of Official: 

Name: Eric W. Boyer

Title: Managing Partner

Firm: Quintairos, Prieto, Wood, and Boyer, P.A.

Date: February 22, 2017

ACKNOWLEDGEMENT, WARRANTY AND ACCEPTANCE

A. Firm warrants that it is willing and able to comply with all applicable State of Florida laws, rules and regulations.

B. Firm warrants that they have read, understand and are willing to comply with all of the requirements of the RFP and the addendum/ addenda nos.

C. Firm warrants that it will not delegate or subcontract its responsibilities under an agreement without the prior written permission of the Council.

D. Firm warrants that all information provided by it in connection with this proposal is true and accurate.

E. CONTINGENCY FEE AND CODE OF ETHICS WARRANTY:

Firm warrants that neither it, nor any principal, employee, agent, representative or family member has promised to pay, and Firm has not, and will not, pay a fee the amount of which is contingent upon the Village awarding this contract. Firm warrants that neither it, nor any principal, employee, agent, representative has procured, or attempted to procure, this contract in violation of any of the provisions of the Miami-Dade County conflict of interest and code of ethics ordinances. Further, Firm acknowledges that a violation of this warranty will result in the termination of the contract and forfeiture of funds paid, or to be paid, to the Firm, if the Firm is chosen for performance of the contract.

Signature of Official:  _____

Name: Eric W. Boyer

Title: Managing Partner

Firm: Quintairos, Prieto, Wood & Boyer, P.A.

Date: February 22, 2017

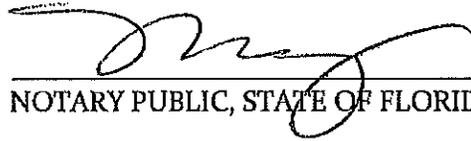
ACKNOWLEDGMENT

State of Florida

County of Miami-Dade

On this 22nd day of February, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared Eric W. Boyer and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal



NOTARY PUBLIC, STATE OF FLORIDA



MARIA HERNANDEZ
MY COMMISSION # FF 961908
EXPIRES: February 17, 2020
Bonded Thru Budget Notary Services

NOTARY PUBLIC
SEAL OF OFFICE:

(Name of Notary Public: Print, Stamp or
Type as commissioned.)
 Personally known to me, or
 Produced identification:

(Type of Identification Produced)
 Did take an oath or
 Did not take an oath.

**SWORN STATEMENT PURSUANT TO
SECTION 287.133 (3)(a) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the Village OF PALMETTO BAY, FLORIDA

By Eric W. Boyer

For Quintairos, Prieto, Wood & Boyer, P.A.

Whose business address is: 9300 S. Dadeland Blvd., 4th Floor, Miami, Florida 33156

And (if applicable) its Federal Employer Identification Number (FEIN) is:
59-3502785

(if the entity has no FEIN, include the Social Security Number of the individual signing this

Sworn statement - S.S. # _____)

2. I understand that a "public entity crime" as defined in Paragraph 287.133(1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with any agency or political subdivision of any other State or of the United States, including, but not limited to, any Proposal or contract for goods or services to be provided to any public entity or an agency or any political subdivision of any other state or of the United States and involving antitrust fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation

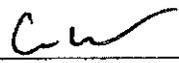
3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133(1)(b), Florida Statutes means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea or guilty or nab contenders.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, and means:
A. A predecessor or successor of a person convicted of a public entity crime; or
B. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are

active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which Proposals or applies to Proposal on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of any entity.

Signed, sealed and delivered In the presence:

Signature of Official:  _____

Name (typed): Eric W. Boyer

Title: Managing Partner

Firm: Quintairos, Prieto, Wood & Boyer, P.A.

Date: February 22, 2017

Continued on next page.

ACKNOWLEDGMENT

State of Florida

County of Miami-Dade

On this 22nd day of February, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared Eric W. Boyer and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal



NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:



MARIA HERNANDEZ
MY COMMISSION # FF 961908
EXPIRES: February 17, 2020
Bonded Thru Budget Notary Services

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

Personally known to me, or
 Produced identification:

(Type of Identification Produced)

Did take an oath or
 Did not take an oath.

ACKNOWLEDGMENT

State of Florida

County of Miami-Dade

On this 22nd day of, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared Eric W. Boyer and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA



NOTARY PUBLIC
SEAL OF OFFICE:



MARIA HERNANDEZ
MY COMMISSION # FF 961908
EXPIRES: February 17, 2020
Bonded TN- Budget Notary Services

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

Personally known to me, or
 Produced identification:

(Type of Identification Produced)

Did take an oath or
 Did not take an oath.

BUSINESS ENTITY AFFIDAVIT
(FIRM / PROPOSER DISCLOSURE)

I, Eric W. Boyer being first duly sworn state:

The full legal name and business address of the person(s) or entity contracting or transacting business with the Village of Palmetto Bay ("Village") are (Post Office addresses are not acceptable), as follows:

59-3502785

Federal Employer Identification Number (If none, Social Security Number)

Quintairos, Prieto, Wood & Boyer, P.A.

Name of Entity, Individual, Partners or Corporation

Doing Business As (If same as above, leave blank)

9300 S. Dadeland Blvd., 4th Floor, Miami, Florida 33156

Street Address Suite City State Zip Code

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contact or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who holds directly or indirectly five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full legal name and address shall be provided for each trustee and each beneficiary. All such names and addresses are (Post Office addresses are not acceptable), as follows:

<u>Full Legal Name</u>	<u>Address</u>	<u>Ownership</u>
Eric W. Boyer,	9300 S. Dadeland Blvd., 4th Floor, Miami, Florida 33156	31.15%
George F. Quintairos,	9300 S. Dadeland Blvd., 4th Floor, Miami, Florida 33156	31.15%
Edward C. Prieto,	9300 S. Dadeland Blvd., 4th Floor, Miami, Florida 33156	31.15%
Deborah L. Moskowitz,	255 S. Orange Avenue, Suite 900 Orlando, Florida 32801	6.55%

2. The full legal names and business address of any other individual (other than subFirms, material men, suppliers, laborers, or lenders) who have, or will have, any interest (legal, equitable, beneficial or otherwise) in the contract or business transaction with the Village are (Post Office addresses are not acceptable), as follows:

N/A _____

Signature of Official: Eric W. Boyer

Name: Eric W. Boyer

Title: Managing Partner

Firm: Quintairos, Prieto, Wood & Boyer, P.A.

Date: February 22, 2017

ACKNOWLEDGMENT

State of Florida

County of Miami-Dade

On this 22nd day of February, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared Eric W. Boyer and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

Continued on next page.

▪ RFP No. 1617-03-006

NOTARY PUBLIC
SEAL OF OFFICE:



(Name of Notary Public: Print, Stamp or
Type as commissioned.)

- Personally known to me, or
- Produced identification:



MARIA HERNANDEZ
MY COMMISSION # FF 061908
EXPIRES: February 17, 2020
Bonded thru Budget Notary Service

(Type of Identification Produced)

- Did take an oath or
- Did not take an oath.

ACKNOWLEDGMENT

State of Florida

County of Miami-Dade

On this 22nd day of February, 2017, before me, the undersigned Notary Public of the State of Florida personally appeared Eric W. Boyer and whose name(s) is/are subscribed to the within instrument, and he/she/they acknowledge that he/she/they executed it.

WITNESS my hand and official seal

NOTARY PUBLIC, STATE OF FLORIDA

NOTARY PUBLIC
SEAL OF OFFICE:



MARIA HERNANDEZ
MY COMMISSION # FF 961808
EXPIRES: February 17, 2020
Bonded Thru Budget Notary Services

(Name of Notary Public: Print, Stamp or
Type as commissioned.)

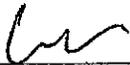
- Personally known to me, or
- Produced identification:

(Type of Identification Produced)

- Did take an oath or
- Did not take an oath.

**AND OTHER RESPONSIBILITY MATTERS
PRIMARY COVERED TRANSACTIONS**

- 1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - b) Have not within a three-year period preceding this been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of these offenses enumerated in paragraph (1)(b) of this certification; and
 - d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
- 3) No subcontract will be issued for this project to any party which is debarred or suspended from eligibility to receive federally funded contracts.



SIGNATURE

Eric W. Boyer
PRINTED NAME

Quintairos, Prieto, Wood & Boyer, P.A.
NAME OF FIRM

Managing Partner
TITLE

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Quintairos Prieto Wood & Boyer P.A.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification; check only one of the following seven boxes:
 Individual/sole proprietor or single-member LLC
 Limited liability company. Enter the tax classification (C=G corporation, S=S corporation, P=partnership) ▶ _____
 Note: For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.
 Other (see instructions) ▶ _____

C Corporation S Corporation Partnership Trust/estate

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3).
 Exempt payee code (if any) 5
 Exemption from FATCA reporting code (if any) _____
 (Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.)
9300 South Dadeland Blvd., 4th Floor

6 City, state, and ZIP code
Miami, FL 33156

7 List account number(s) here (optional)

Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note: If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number									
OR									
Employer identification number									
5	9	-	3	5	0	2	7	8	5

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Michael Brenner CFO* Date ▶ *1-4-2017*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/w9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1099 (home mortgage interest), 1099-E (student loan interest), 1099-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What is backup withholding?* on page 2.

By signing the filled-out form, you:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued);
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
- Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.