



# REQUEST FOR QUALIFICATIONS MERGER FEASIBILITY STUDY



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## **Request for Qualifications**

The Independent Special Fire Control Districts of Fort Myers Beach and Iona McGregor (Hereinafter referred to as “District” or “Districts”) jointly announce their intention to retain professional consultation services to conduct a study to determine if a merger of the two districts may be operationally and financially beneficial to the taxpayers of both the Fort Myers Beach and Iona McGregor Fire Control Districts.

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## **Background**

The Fort Myers Beach Fire Control District (FMBFCD) is an Independent Special District of the State of Florida responsible for fire suppression, emergency services, fire prevention, hazardous materials, and technical services for residents in Southwest Lee County operating pursuant to Chapter 2000-422, Laws of Florida (2000), Chapter 97-340, Laws of Florida (1997) and Chapter 191, Florida Statutes. FMBFCD operates and maintains fire and rescue facilities in the Fort Myers Beach, Florida area. It is governed by a 5-member Board of Fire Commissioners elected by the registered voters of Fort Myers Beach. Under the Board's direction, a Fire Chief manages Fort Myers Beach’s three stations and 60 total employees. FMBFCD has both bargaining and non-bargaining unit employees.

The Iona-McGregor Fire Protection and Rescue Service District (IMFPRSD) is an Independent Special District of the State of Florida responsible for fire suppression, emergency services, fire prevention, hazardous materials, and technical services for residents in Southwest and Central Lee County. Initially created by Chapter 75-421, and as amended by Chapter 97-340; Iona McGregor Fire’s initial enabling legislation was codified, amended, reenacted, and repealed by Chapter 2000-384, Laws of Florida. IMFPRSD operates and maintains fire and rescue facilities in the Central area of Lee County and adjacent to the Fort Myers Beach Fire Control District. It is governed by a 5-member Board of Fire Commissioners who provide direction to the Fire Chief. The Chief manages Iona McGregor’s 5 stations and 98 total employees. IMFPRSD has both bargaining and non-bargaining unit employees.

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## **Description of the Project**

The Districts are soliciting qualified firms to study the feasibility of consolidating the two agencies into one new Independent Special District. This assessment will first evaluate every aspect of the two existing districts. Then, conduct a study of the financial and operational feasibility (which will include a study of the costs, benefits and detriments to the residents, property owners, and visitors to the districts) of merging the two districts into a new, consolidated Independent Special District.



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The firm will then prepare a report and present their findings to the Board of Commissioners of each district.

Qualified firms shall demonstrate experience in assessing all aspects of public safety organizations, including the statutes, codes and regulations which govern Florida Independent Special Districts. The preferred firm will possess a knowledge and understanding in the delivery of fire, rescue, EMS, special operations, life safety, plan review, permitting, and inspection services.

The following scope of work is *not* intended to be all-inclusive but rather a general description of the details expected to be assessed.

## **Scope of Work**

### **PHASE I: Project Initiation**

#### **○ Development of Project Action Plan**

The consultant will meet with and refine the proposed work plan with the districts and management teams of FMBFCD and IMFPRSD to gain a comprehensive understanding of the project's background, goals, and expectations. This action plan shall be developed identifying:

1. Primary tasks to be performed.
2. Person(s) responsible for each task.
3. Timetable for each objective to be complete.
4. Method of evaluating results.
5. Resources to be utilized.
6. Possible obstacles or problem areas associated with the accomplishment of each task.

This meeting will also help to establish working relationships, make logistical arrangements, determine lines of communication, and finalize contractual arrangements. Other agenda items that may be discussed include data collection approach, interview plan and tentative schedule, interim milestones, meetings, deliverables, and obtaining pertinent reports and background material.

#### **○ Review of Background Information**

Review and evaluate documents and information relevant to this project including, but not limited to:

1. The recommendations from previous studies, if applicable.
2. Applicable state and local laws, district enabling acts, resolutions, ordinances, applicable tax information, regulations, contracts, and other applicable documents.



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3. Existing missions, goals and objectives.
4. Current and previous year annual reports, operating budgets, budget history, budget projections and any current financial plans.
5. Service demand and response time data.
6. Relevant collective bargaining agreements.
7. Revenue analysis.
8. Station location maps.
9. Current demographics, land use, and growth plans.
10. Relevant contractual agreement(s), such as interlocal agreements with counties, cities or other districts.
11. All available reports on emergency service operations.
12. Relevant community planning documents.
13. Historical incident data on service calls.
14. An inventory of facilities, apparatus, and major equipment and current Five-Year Plans.
15. Fire loss reports.
16. Training records.
17. Policy and procedure manuals and any employee handbooks.
18. Any other information which may be necessary for the successful completion of the study.

Completion of this objective will generate the initial background information to provide a strong foundation and basis for the cooperative study to determine if merger efforts are operationally and financially beneficial or detrimental to the taxpayers, residents, and visitors of both fire districts. The resulting recommendations and options for change will be contained in the final report.

## ○ **Stakeholder's Input**

Conduct interviews with and gather information from key individuals, including:

1. Fire Commissioners.
2. Finance Department.
3. Fire districts' administrative staff.
4. Members of FMBFCD & IMFPRSD.
5. Local union representatives
6. Others as they may contribute to this project (Chamber of Commerce, Town of Fort Myers Beach, community members, etc.)

At a minimum, members of the project team will interview elected officials, fire district officials, union representatives, members of the districts, and, as appropriate, representatives as FMBFCD and IMFPRSD deem necessary.



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From these interviews, the consultant will obtain additional perspective on operational, economic, and policy issues facing FMBFCD and IMFPRSD. In addition, the project team will learn more about the availability of data necessary to meet projected goals.

## **PHASE II: Agency Evaluations**

The study begins with a full and complete evaluation of both FMBFCD and IMFPRSD. This establishes a baseline as to the condition, capabilities, financial status, and organizational effectiveness of both agencies. Once the following areas, at a minimum, are documented, reviewed, and analyzed, the firm will create a final report of their findings.

### o **Organizational Overview**

An overview of FMBFCD & IMFPRSD shall be developed outlining:

1. Responsibilities and line of authority
2. Attributes of successful organizations
3. History, formation, and general description of the organization today
4. Chain of command
5. Organizational structure
6. Operating budget, funding, fees, taxation, and financial resources
7. ALS resources and operating authority
8. Current description of the fire suppression infrastructure
9. Current description of fire prevention and code enforcement division
10. Current description of public information officer and public education division
11. Current description of training division
12. Projected community development - demographics, growth patterns and trends
13. Current computer software and future software needs
14. Policies and resolutions
15. ISO rating and other district credentialling

### o **Staffing**

Review the staffing levels for FMBFCD & IMFPRSD. Areas to be considered include:

1. Administration and support staff
2. Suppression, ALS, special operations, and training
3. Life Safety services to include fire prevention, public information, and public education
4. Responsibilities and activity levels of personnel
5. All existing employee positions should be utilized in future recommendations.

Critical staffing areas will be identified and defined. Administrative and support functions will be reviewed and analyzed with recommendations for improvements, where applicable.



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Life safety services will be evaluated to assure current service levels are retained with options for enhancements provided. Staffing levels in operations will incorporate federal, state and local mandates in addition to I.S.O. and fire service standards such as NFPA 1500, 1710, and 1720. Department of Labor and OSHA staffing standards ("two in and two out rule") are a factor in staffing issues as well. Regional staffing issues, analysis and recommendations will be provided.

## ○ **Capital Assets and Capital Improvement Programs**

Review status of current major capital assets (facilities and apparatus) and analyze future needs for no more than five (5) years relative to the purchase of necessary capital improvement items including:

1. Facilities - Tour facilities and make recommendations in areas critical of current station location and future station considerations. Items to be considered include:
  - Location
  - Age, condition, serviceability
  - Apparatus and equipment needs
  - Staffing needs
  - Traffic patterns
  - Street grid networks
  - Number of bays and types of square footage for existing facilities
  - Land use criteria
  - Jurisdiction boundaries
  - Future service demands
  - Changing demographics
  - Projected growth and trends
2. Apparatus / Vehicles - Review and make recommendations regarding inventory of apparatus and equipment. Items to be reviewed include:
  - Age, condition, and serviceability
  - Distribution and deployment
  - Maintenance
  - Regulations compliance
  - Future needs
3. Support equipment
4. Methods of financing capital needs
5. Use of impact fees, including applicable state statutes and local ordinances



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## o **Delivery Systems**

Review, analyze and make recommendations in areas specifically involved in or affecting service levels and performance for each agency. Areas to be reviewed shall include, but not necessarily be limited to:

1. Alerting systems and communications
2. Dispatch capabilities and methods
3. Current response time performance levels and capabilities, analyzed through Geographical Information Systems software
4. Current workload analysis
5. Facility deployment strategies, analyzed through Geographical Information Systems software
6. Resource deployment strategies, analyzed through Geographical Information Systems software
7. Fire and ALS integration, including Certificate of Public Convenience and Necessity. Medical Director issues, and ALS transport and non-transport disparities.
8. Suppression, rescue, ALS, hazmat, training, wildland, structural, special operations, USAR and all other specialized programs
9. Fire prevention, public information, public education.
10. Incident command and management
11. Standard response practices
12. Mutual aid, automatic aid
  - Plans and agreements
  - Frequency and type of use
  - Methods of communication
  - Interagency training

The key components that comprise an effective emergency service delivery system will be identified in detail. System design will be presented and discussed along with emergency response modeling. Delivery system issues will be identified and analyzed in detail with specific recommendations offered. Theoretical response times will be shown and compared to actual response times to assist in the evaluation of the system's current efficiency and will help in planning for system improvements.

Station location will dictate to a large degree response times to emergencies. Research will be based on call volume, response times, types of emergencies, and projected growth or decline of the communities. The subject of response times relates closely to fire station



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locations, both current and future, as well as deployment and delivery system issues. Achievement of this objective will allow for specific recommendations for improvements in overall facilities planning, deployment, and response times.

## **Phase III: Future Opportunities for Cooperative Efforts**

The consultant will use the completed evaluation to identify and determine the feasibility of a merger, including the costs, benefits and detriments to both of the districts' taxpayers, residents and visitors.

Items in this section of the final report will include but will not be limited to the areas listed below and will be discussed in depth. The detailed information provided will give the department heads and elected officials the information necessary to make the important decisions regarding emergency services mergers. Included are:

- **General Partnering Strategies**

The partnering strategies will include analysis of all comprehensive and specialized interlocal agreements for service delivery, and achievement of efficiencies, and economies of scale. The various partnering strategies will be described, beginning with a do-nothing approach and ending with complete merger of FMBFCD and IMFPRSD into a new Independent Special Fire Control District.

- **Critical Issues**

The study will consider and describe the many shared critical issues that may face merged fire districts and how they affect the effort to construct a combined district model for efficient service. These issues will be identified, analyzed and specific recommendations will be offered, specifically including political ramifications, public referendums, public awareness and merging of taxing rates.

- **Options for Shared Fire Protection Services**

The report will offer a number of organizational options for combining fire districts. The options will provide policy makers with a tool to compare the costs, the benefits, the detriments, and the operational and financial outcomes of each option with the known conditions of the present.

- **Fiscal Analysis**

The consultant may use computer-driven model budgets to allow a comparative examination of the actual public costs for each merged fire districts and is a tool for analyzing the financial effects (both beneficial or detrimental) of any type of merger. Budget modeling may also be





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utilized to measure the effects of the proposed change(s). Funding mechanisms will be identified, and comprehensive financial outcomes will be provided for potential merger strategy offered. It is understood that budgeting for independent special districts in the State of Florida differs from budgeting for cities and counties.

Review and analyze department budgets and revenues to project future financial needs:

1. Review separate budgets
2. Develop projected merger budgets
3. Identify financial issues of consideration
4. Identify areas of short and long-term savings and costs

Fiscal analysis and planning are important components of the emergency services evaluation. Long-term survival of an emergency services system requires that the system be adequately funded. The consultant will determine the fiscal state of each district and determine future revenue forecasts and develop recommendations for improving the financial resources available for fire and EMS services. All recommendations will be consistent with the district's current and future financial ability and capability to provide adequate, cost-effective services to its citizenry. Also, budgeting practices will be thoroughly examined, and alternative methodologies may be suggested provided existing budgeting laws, ordinances and resolutions would permit.

## ○ **Financial Outcomes of Merger Options**

The predicted costs and/or savings of each merger option will be presented in detail for each district.

## **Phase IV: Findings and Recommendations for Action**

Any cooperative venture among agencies presents the organizational leaders with a series of challenges. Successful completion of the final report will require that significant matters be addressed regardless of which form of merger, if any, is chosen. Those issues will be identified here.

### ○ **Findings**

**Activity:** Feasibility of each option will be presented.

### ○ **Preferred Options**

**Activity:** The preferred option or options will be presented and discussed at length.

### ○ **Policy Action**

**Activity:** Necessary policy action by the elected bodies will be described.





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- **Timelines**

**Activity:** The recommendations outlined in this section provide general completion timelines offered to guide the agencies in developing a more detailed listing during the formal planning process.

- **Process Issues**

**Activity:** Strategic planning, legal considerations, management and governance, funding and other issues will be provided in detail.

- **Development and Review of Report Draft**

The consultant will develop and produce a draft version of the written report for review by FMBFCD & IMFPRSD to discuss recommendations and revisions. Client feedback is a critical part of the project. There will be a minimum of two meetings to review and discuss the draft feasibility report prior to Phase V. The consultant will also meet with each elected body (Board of Commissioners) in a public meeting, which can be a special board meeting, to receive input from the public and from the Board members on the contents and possible revisions of the draft version of the written report.

## **Phase V: Presentation of Final Project Report**

The consultant will complete any necessary revisions of the draft report and produce twenty (20) quality bound final versions of the written report and provide it in electronic format also. Formal presentations of the project report will be made by the consultant project manager at a special meeting of the Board of Commissioners of each district. The special meeting may include both boards in one joint meeting.

The final report will include the following:

1. An Executive Summary describing the nature of the report, the methods of analysis, findings, and critical recommendations
2. Supportive audio-visual presentation
3. Review and explanation of primary supportive charts, graphs, diagrams, and maps, where appropriate
4. Opportunity for questions and answers, as needed



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## **RFQ Process**

### **A. Submit a Letter of Interest**

A Letter of Interest must be submitted to Executive Assistant Linnea Nodarse, at Iona McGregor Fire District Administrative Offices located at 6061 South Pointe Blvd., Fort Myers, FL 33919 no later than 12:00 PM, Eastern Standard Time, on March 15, 2024. Any letters of interest received after the time and dates specified above **will not be accepted** and shall be returned unopened, to the sender.

### **B. Informational Meeting**

A publicly-noticed informational meeting will be held on March 18, 2024 @ 11:00 a.m. to answer questions related to the project. This meeting will be held in person at 6061 South Pointe Blvd, Fort Myers, FL 33919 and online with link to be provided.

### **C. Submit Proposals**

Twelve (12) copies of the written proposal and one electronic proposal (in PDF format) must be submitted in a sealed package to Executive Assistant Linnea Nodarse at 6061 South Pointe Blvd., Fort Myers, FL 33919, and received by 12:00 PM, Eastern Standard Time, on April 22, 2024. To be considered for selection, all sealed proposals must be received on or before the date and time specified. Firms that mail responses should allow for normal mail delivery time to ensure timely receipt. Proposals received after the stated time shall not be considered. No fax or emailed transmittals will be accepted.

### **D. Selection Committee**

On May 2, 2024, the Selection Committee will meet at 6061 South Pointe Blvd., Fort Myers, FL 33919 to review and score each submission. The Committee chair will gather each Selection Committee member's scoring sheet. The Selection Committee's scoring form is attached as Exhibit A.

### **E. Board Approval**

The Fire Chiefs will present to their respective Board of Commissioners the proposals from each firm, the Selection Committee's final scoring, and the Selection Committee's recommendations. Each Board of Commissioners will review the information presented to them, including public input, at a public Board of Commissioners' meeting and will make a decision on the selection of a responder, or the ranking of the responders, to perform the RFQ scope of work and each Board of Commissioners will, thereafter, authorize and direct their respective Fire Chiefs to take appropriate follow up action, which may include negotiating a contract for services. Should the two Districts' Board of Commissioners select different responders to perform the scope of work, a public meeting of each District's Board of Commissioners will be scheduled to discuss and resolve the selection of different responders to perform the scope of work so that one responder is ultimately selected by both Boards of Commissioners to perform the RFQ scope of work.



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## **Proposal**

The districts are seeking responses (proposals) which highlight each firm's approach to the project and an estimated timeline. In addition, the following criteria will also be evaluated:

- Firm's proven ability with similar projects.
- Expertise of key personnel assigned to the project.
- Firm's proven ability to provide innovative, cost-effective solutions.
- Firm's track record in meeting timeline requirements.

## **Proposal Requirements**

### **A. Format**

The proposal shall include a statement by the officer of the firm indicating that the response is valid for 180 days and that the officer is legally able to contractually bind the firm.

### **B. Firm Qualifications**

1. The name and address of the proposer, including any fictitious name used pursuant to Florida law.
2. If the proposer is a business entity, evidence of good standing to conduct business in the State of Florida in the form of a current certificate from the Florida Department of State and the name of a responsible officer, partner or member of the entity must be provided.
3. The main business address of the proposer and the address of any branch or affiliated office of proposer that is the closest to Lee County.
4. A list of up to five (5) representative governmental clients whom the Districts may contact for a reference. A Reference Form is attached as Exhibit B.
5. An overview of the proposer including, if applicable, the number of business offices, partners, members, shareholders and professionals employed by the proposer.
6. It is assumed that this study will require an interdisciplinary approach requiring several professional disciplines including but not limited to economics, government, and law.  
The consultant proposing to perform this study shall also provide background information for any sub-consultant included in the proposal.
7. The number and type (city, county, district) of governmental clients served and the number and type of private sector clients served.
8. A description of any disciplinary actions or lawsuits that have been instituted or proposed against the proposer during the last three (3) years, and any pending disciplinary matters or lawsuits of which the proposer is aware (these disclosure requirements pertain to all officers, directors, shareholders, partners, members, and other licensed professionals employed by the proposer).



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9. Evidence of General Commercial Liability insurance coverage of not less than one million dollars (\$1,000,000.00); Automobile liability coverage of not less than one million dollars (\$1,000,000.00); Professional liability coverage of not less than one million dollars (\$1,000,000.00); and Worker's Compensation Insurance coverage of not less than the Florida minimum statutory requirements.
10. Description of the proposer's current and projected workloads and the management structure or organization proposed for the provision of the contractual services necessary to meet the District's needs.
11. Indicate the business office of the proposer that will staff the upcoming engagement with the District.
12. Provide brief resumes of the individuals that will be involved with the upcoming engagement.
13. Statement of willingness to work within the District's time requirements as well as its budget requirements.

## **Disposition of Proposals**

All materials submitted will become the property of FMBFCD & IMFPRSD. One (1) copy of each proposal shall be retained by each district for official files and will become a public record after the award and open to public inspection. It is understood that the proposal will become part of the official file on this matter without obligation on the part of the districts.

## **Miscellaneous**

The Districts reserve the right to reject any and all proposals at their discretion. FMBFCD & IMFPRSD also reserve the right to waive irregularities and technicalities and to re-advertise for additional proposals. All costs and expenses related to preparation and submission of a proposal are the responsibility of the proposer. The successful bidder will not begin any work reflected in this proposal until after June 15, 2024.

All firms are hereby placed on notice that neither the Boards of Fire Commissioners, the Fire Chiefs, nor any employees from either District wish to be lobbied, either individually or collectively, about this project. Firms and their agents intending to submit a Letter of Interest and proposal are hereby placed on notice they are not to contact members of the Boards of Fire Commissioners or staff members for such purpose as holding meetings of introduction, dinners, etc. to influence the outcome of the selection process.

Section 287.133(3)(a), Florida Statutes, requires submission of a sworn statement regarding Public Entity Crimes which must be signed and notarized and submitted with the response for Responder. A form for this purpose is attached hereto as Exhibit C.



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Each Responder shall be required to include signed and notarized written Affirmations with their response. The form of the Affirmations that must be signed, notarized and submitted with each response is attached hereto as Exhibit D.

Neither FMBFCD nor IMFPRSD discriminate on the basis of age, race, color, sex, religion, national origin, disability or marital status.

Exhibit A

Fort Myers Beach Fire Control District & Iona-McGregor Fire Protection and Rescue Service District

Request for Qualifications – Merger Study

Selection Committee Score Sheet

Date: \_\_\_\_\_

Name of Firm Being Evaluated: \_\_\_\_\_

Committee Member: \_\_\_\_\_

**1) Approach to the Project**

**(40 Point Maximum) Member can use any number from 1-40 for scoring**

- 40 - Approach appears comprehensive and highly likely to provide detailed guidance
- 20 - Approach appears to be sufficient but lack of detail could lead to marginal guidance
- 1 - Approach appears insufficient to provide the needed guidance to make informed decision on merger

Notes: \_\_\_\_\_

**2) Firm's Proven Ability with Similar Projects**

**(20 Point Maximum) Member can use any number from 1-20 for scoring**

- 20 - Firm has considerable experience with like projects
- 12 - Firm has considerable experience with consulting but average experience with like projects
- 7 - Firm appears to have sufficient consulting experience and some experience with like projects
- 1 - Firm has minimal consulting experience and insufficient experience with like projects

Notes: \_\_\_\_\_

**3) Expertise of Key Personnel Assigned to the Project**

**(10 Point Maximum) Member can use any number from 1-10 for scoring**

- 10 - The number of personnel assigned is sufficient and all appear highly-competent
- 7 - Personnel assigned appear competent but the size of the team may be insufficient for this project
- 4 - The expertise of assigned personnel is questionable for this project
- 1 - This project appears to be beyond the expertise of assigned personnel

Notes: \_\_\_\_\_

**4) Firm's Proven Ability to Provide Innovative, Cost-effective Solutions**

**(10 Point Maximum) Member can use any number from 1-10 for scoring**

- 10 - Firm has demonstrated innovative solutions in prior projects
- 5 - Firm outlines innovative ideas but cannot show actual outcomes from past projects
- 1 - Firm's proposal does not address innovative solutions

Notes: \_\_\_\_\_

**5) References**

**(10 Point Maximum) Member can use any number from 1-10 for scoring**

- 10 - Firm listed 5 references, all were validated, referers all stated they would use firm again.
- 5 - Firm listed less than 5 references, or; 1 or more couldn't be validated, or; 1 or more stated they would seek other firms
- 1 - Firm had 3 or less references, or; 2 or more couldn't be validated, or; 2 or more stated they would seek other firms

**Fort Myers Beach Fire Control District & Iona-McGregor Fire Protection and Rescue Service District  
Request for Qualifications – Merger Study  
Selection Committee Score Sheet**

Notes:

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**6) Quality of the Submitted Proposal**

**(10 Point Maximum) Member can use any number from 1-10 for scoring**

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10 - The proposal was professional and orderly. The information was comprehensive with few to no errors in spelling, grammar, etc.

5 - The proposal was complete but lacked attention to detail; spelling and/or grammatical errors existed throughout.

1 - The proposal didn't address all the components listed in the advertisement, lacked professionalism and detail and contained numerous spelling and grammatical errors.

Notes:

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**Total Score**

General Notes:

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Signature:

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**Exhibit B**

**Fort Myers Beach Fire Control District & Iona-McGregor Fire Protection and Rescue Service District  
Request for Qualifications – Merger Study**

Questions for References

Name of Firm: \_\_\_\_\_

Name of Referer: \_\_\_\_\_

Questions:

1. Did you actually contract services from this firm?

\_\_\_\_\_  
\_\_\_\_\_

2. What type of project did this firm do for you? Was it a simple, straightforward project or was it a complex project that required several steps or phases?

\_\_\_\_\_  
\_\_\_\_\_

3. Were there any issues during the course of your project which would cause you to question if this is the best firm for a future project?

\_\_\_\_\_  
\_\_\_\_\_

4. Would you use this firm again?

\_\_\_\_\_  
\_\_\_\_\_

5. Any other relevant information that will help us make our decision?

\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT C**

THIS FORM IS TO BE COMPLETED AND RETURNED WITH THE RESPONSE

Sworn statement under 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 OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the Fort Myers Beach Fire Control District and the Iona-McGregor Fire Protection and Rescue Service District (Districts) by:

\_\_\_\_\_  
(Printed individual's name and title)

\_\_\_\_\_  
(Print name of entity submitting sworn statement)

whose business address is: \_\_\_\_\_

\_\_\_\_\_

and (if applicable) whose Federal Employer Identification Number (FEIN) is: \_\_\_\_\_

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

2. I understand that a "public entity crime" as defined in §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 with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or 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 §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 of guilty or nolo contendere.

4. I understand that "convicted" or "conviction" as defined in §287.133(1)(b), Florida Statutes 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 a 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 §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 bid 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 an entity.

6. Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which one statement applies).

\_\_\_ Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

\_\_\_ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (Attach a copy of the final order).

I understand that the submission of this form to the public entity identified in paragraph one above is for that public entity only, and that this form is valid through December 31 of the calendar year 2018. I also understand that I am required to inform the public entity prior to entering into a contract in excess of the threshold amount provided in Section 287.017, Florida Statutes, for category two, of any change in the information contained in this form.

\_\_\_\_\_  
(Signature)

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

SWORN TO AND SUBSCRIBED before me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, by \_\_\_\_\_, by [ ] physical presence or [ ] by online notarization as \_\_\_\_\_ and on behalf of \_\_\_\_\_, a Florida \_\_\_\_\_, [ ] who is personally known to me or [ ] who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
SIGNATURE OF NOTARY PUBLIC

\_\_\_\_\_  
Name of Notary, Printed, Typed or Stamped  
My Commissioner Expires:

**EXHIBIT D**  
**AFFIRMATIONS**

- 1) Neither the undersigned, nor any other person, firm or corporation named herein, nor anyone else, to the knowledge of the undersigned, have themselves solicited or employed anyone else to solicit favorable action by the Fort Myers Beach Fire Control District and the Iona-McGregor Fire Protection and Rescue Service District (Districts) for this response, and further, no District official or employee is directly interested in the outcome of this matter. This response is genuine and not collusive or a sham. The persons, firms, or corporations named herein have not colluded, conspired, connived or agreed directly or indirectly with any other responder or person, firm, or corporation, to put in a sham response, or to have any other person, firm or corporation refrain from responding. Further, the responder has not in any manner, directly or indirectly, sought by agreement or collusion, or communication or conference with any person, firm or corporation, to fix the price of said response or responses of any other responder, or to secure any advantage against the Districts or any person, firm, or corporation.
- 2) The undersigned, who being first duly sworn, acknowledges and affirms that all the statements made in their RFQ response are true, correct and accurate and no false statements are made herein. The undersigned further acknowledges that he or she has full knowledge of Florida law regarding sworn statements and the penalties, including perjury, resulting from the making of any false statements or misrepresentations herein.
- 3) The responder represents that the responder has familiarized itself with and assumes full responsibility for having familiarized itself with the nature and extent of the Request for Qualifications (RFQ) documents, state, and local laws, ordinances, rules and regulations, as well as all applicable statutes, regulations, executive orders (EO's), Office of Management and Budget (OMB) circulars, terms and conditions, and approved applications which are applicable to the Districts or the performance of the Responder's work for the Districts.
- 4) The responder shall comply with all requirements, stipulations, terms, and conditions as stated in the RFQ documents and as stated in applicable laws, rules, and regulations, and the terms of the written agreement between the Districts and the responder.
- 5) The responder currently complies with all Federal, State, and local laws and regulations, including but not limited to, laws and regulations regarding employment practices, equal opportunities, HIPPA compliance, and any other requirements as may be relevant to the requirements of this RFQ.
- 6) The Affiant named below is officially authorized to represent the responder in whose name the response is submitted.
- 7) The undersigned hereby agrees to abide by all of the terms and conditions of the RFQ.
- 8) The responder hereby warrants that the responder has all required licenses, if any, to perform the services required by the RFQ and that such licenses will be in full force and effect throughout the duration of the performance of the scope of work of the RFQ and that any and all subcontractors to be employed by the responder shall have all appropriate licenses to provide the services required under their subcontract.
- 9) The responder hereby warrants that all services to be provided under the RFQ shall be completed in a timely fashion pursuant to a written agreement with the Districts and that time is of the essence.

- 10) The responder agrees that if requested by the Districts, the responder shall furnish additional information, references, financial statements, and other information for the Districts to sufficiently evaluate the responder's response and the responder's ability to perform the scope of work of the RFQ.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name and Title

\_\_\_\_\_  
Name of responder

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Facsimile Number

\_\_\_\_\_  
Electronic Mail Address

\_\_\_\_\_  
Occupational License Number

\_\_\_\_\_  
EIN

**STATE OF FLORIDA**  
**COUNTY OF \_\_\_\_\_**

The foregoing instrument was subscribed and acknowledged before me by [ ] physical presence or [ ] online notarization by \_\_\_\_\_, as \_\_\_\_\_(title) of \_\_\_\_\_ (responder), a \_\_\_\_\_ entity, on behalf of \_\_\_\_\_ (responder) this \_\_\_\_\_ day of \_\_\_\_\_, 2024, [ ] who is personally known to me or [ ] who produced \_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
NOTARY SEAL