



## North Bay Village

Administrative Offices

1700 Kennedy Causeway, Suite #132 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

# OFFICIAL AGENDA

## **SPECIAL COMMISSION MEETING NORTH BAY VILLAGE 1700 KENNEDY CAUSEWAY, #132 NORTH BAY VILLAGE, FL 33141**

**FEBRUARY 28, 2013 - 6:30 P.M.**

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE COMMISSION OF NORTH BAY VILLAGE, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZES CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING SPECIAL ACCOMMODATION OR A SIGN LANGUAGE INTERPRETER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT (305) 756-7171 NO LATER THAN FOUR DAYS PRIOR TO THE PROCEEDING. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS AT (800) 955-8771 (TDD) OR (800) 955-8700 (VOICE) FOR ASSISTANCE.

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1. **CALL TO ORDER.**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

4. **LEGISLATIVE PRIORITIES**

1.) **Commission Action**

5. **RESOLUTION**

A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, DECLARING SUPPORT FOR SENATE BILL 1002 AND HOUSE BILL 739 PROPOSING CHANGES TO SECTION 287.055, FLORIDA STATUTE, ALSO KNOWN AS "THE CONSULTANTS COMPETITIVE NEGOTIATION ACT" OR "CCNA"; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)**

1.) **Commission Action**

6. **ADJOURNMENT**

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Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez



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**NORTH BAY VILLAGE  
RECOMMENDATION MEMORANDUM**

**DATE:** January 30, 2013

**TO:** Mayor Connie Leon Kreps  
Vice-Mayor Eddie Lim  
Commissioner Dr. Richard Chervony  
Commissioner Jorge Gonzalez  
Commissioner Wendy Duvall

**FROM:** Dennis Kelly  
Village Manager 

**SUBJECT:** Legislative Items

**RECOMMENDATION:**

It is recommended that the Village Commission choose five (5) priority items from the below Legislative Priorities list to provide to our lobbyist.

**BACKGROUND:**

The Village staff has compiled a wish list of improvements / projects that would be beneficial for our Village to receive aide on. The below is a comprehensive list intended for the Commission's review and prioritization. Once prioritized, this list will be provided to our state and federal lobbyists Mr. Omar Franco and Mr. Fausto Gomez for their assistance in locating aide.

**Legislative Priorities List:**

1. Grants for parks and green space.
2. Aide in funding cultural activities.
3. Funding to complete the 79<sup>th</sup> Street Causeway Project (east bound) (phase 2 & 3)
4. Funding for our municipal complex and recreational facilities
5. Funding for safety cameras for all of the Village (particularly in the entrances to Harbor and Treasure Island main streets).

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

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6. Support legislation for funding public safety needs (fire, police, commercial code compliance, and disaster preparedness).
7. Support legislation to upgrade the Village's aging infrastructure.
8. Support legislation to prevent domestic violence and child abuse.
9. Support legislation and policies that address the needs of seniors.
10. Support legislation and policies to supplement afterschool and summer camp programs.
11. Support legislation that addresses the law enforcement bill of rights Florida Statute 112.532 and provides changes to this statute to treat law enforcement officers the same as the general public when they are subject to criminal investigations.
12. Support the repeal of the red light camera fees to the state.
13. Support Legislation to assist with the cost of modifications needed for traffic improvement in the intersection at East/West Drive and Harbor Island Drive (will include engineering, design, signalization, signage and striping).
14. Funding for construction of gate valves at various outfalls to the Village's drainage system to prevent backflow from lunar high tides into the streets and neighborhoods of low lying areas (duckbill check valves)
15. Funding for Bay-walk linear park.
16. Funding for tot-lot improvements, rubber surface.
17. Funding for Public Works- Police Dispatch 6' perimeter fence.
18. Funding for storm water outfall repair on 7904 West Dr.
19. Funding for City Hall pump Station redirection to new forcemain.

**FINANCIAL IMPACT:**

All of the above listed priorities involve a cost savings for the Village.

**PERSONNEL IMPACT:**

Village staff will work with lobbyist to make sure that those items that are prioritized are properly followed up on to enhance our aide opportunity.

**CONTACT:**

Dennis Kelly / Village Manager

# North Bay Village Legislative Principles

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- State Government should focus on state-level issues and allow local governments to operate with minimal state interference. North Bay Village will oppose legislation that increases the involvement of state government in municipal affairs and preempts local governing prerogatives.
  - For Florida's economy to prosper, cities need to succeed. North Bay Village will promote state investments in municipal infrastructure in order to create jobs and promote municipal revitalization. This will include funding for wastewater and stormwater improvements, local transportation projects, park and recreational activities, green technologies, and energy-saving initiatives.
  - State Government should not be allowed to continue disrupting the relationship between citizens and their city elected officials' authority to make decisions impacting the provision of municipal services and quality of life. North Bay Village will oppose additional arbitrary limits on property assessments, municipal expenditures, and local revenues.
  - State mandates should be funded with state resources and should not seek to access local tax dollars. North Bay Village will oppose unfunded mandates and support policies that require full funding of state initiatives and mandates to cities.
-

# Legislative Priorities

## APPROPRIATIONS

- North Bay Village supports grant and legislative line item funding that enhances local financial capacity to address water resource and water supply development. The Town further supports enhanced funding of the Water Protection and Sustainability Program within the Department of Environmental Protection for comprehensive water supply infrastructure needs.

1. *Application submitted to the South Florida Water Management District for "North Bay Village Stormwater Outfall Valves" in the amount of \$740,000.*

- North Bay Village supports funding for the Florida Forever Program and the Florida Recreation Development Assistance Program (FRDAP).

The Florida Forever Program has helped local governments purchase land for parks, recreation, open space and conservation. The Florida Recreation Development Assistance Program (FRDAP) is a successful funding vehicle for local government park development and recreational efforts and has helped leverage local dollars.

1. *Both of these important programs have had minimal or no funding during the past three years but with the state's improving fiscal outlook should again be considered for legislative funding.*

- North Bay Village supports grant and legislative line item funding that dedicates to small businesses state economic development resources. Small businesses are the strength of Florida's economy; but they are often overlooked or do not qualify for existing economic development initiatives.

1. *Senator Gwen Margolis will be submitting a budget request to the Transportation and Economic Development Appropriations Subcommittee for "North Bay Village Causeway Redevelopment" at a level of \$125,000.*

- North Bay Village supports legislative funding of "Local Service Programs" which fund in Miami-Dade and select other counties programs focused on the nutritional needs of low income senior citizens.

1. *North Bay Village will be requesting \$50,000 in LSP funds to begin a hot meals program for the elderly. The funds would be distributed by the Alliance for Aging of Miami-Dade and Monroe Counties who will provide technical assistance in the design of same.*

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- North Bay Village will support strengthening the prohibition on existing and new unfunded mandates, requires enhanced staff analyses of quantification of the costs to cities, and ensures full state funding sources be assigned whenever unfunded mandates are identified.

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## LEGISLATION

- *Wireless Communications Devices While Driving*

North Bay Village **supports/opposes/ will monitor** CS/SB52 by Senator Nancy Detert and its companion legislation HB13 by Representative Doug Holder that is commonly known as the "Florida Ban on Texting While Driving Law." The bill is modeled after a Sample Law developed by the United States Department of Transportation and a cross-section of safety and industry organizations. It would prohibit the operation of a motor vehicle while manually typing or entering multiple letters, numbers, symbols, or other text in a handheld wireless communication device, or sending or reading data in the device, for the purpose of non-voice interpersonal communication. The legislation makes exceptions for emergency workers performing official duties, reporting emergencies or suspicious activities, and for receiving various types of navigation information, emergency traffic data, radio broadcasts, and autonomous vehicles. The bill also makes an exception for interpersonal communications that can be conducted without the need to manually type messages. The prohibition is enforceable as a secondary offense. A first violation is punishable as a nonmoving violation, with a fine of \$30 plus court costs which vary by county. A second violation committed within 5 years of the first is a moving violation punishable by a \$60 fine plus court costs.

North Bay Village also supports the other approaches to banning texting while driving that are incorporated in SB708 by Senator Darrin Soto, SB152 by Senator Thad Altman, SB396 by Senator Joe Abruzzo, and HB61 by Representative Irv Slosberg. These mostly with prohibit drivers under 18 years of age from engaging in this practice.

- *Citizens Insurance*

North Bay Village supports SB96 by Senator Anitere Flores and its companion legislation HB107 by Representative Jose Diaz that would provide restrictions on annual rate increases so that they apply to both new and renewal policies. The Village also supports SB386 by Senator Joe Abruzzo and HB433 by Representative David Richardson that would mandate an Inspector General for Citizens Insurance Company and would classify Citizens Insurance as a state agency.

North Bay Village will also monitor legislative action regarding the depopulation of Citizens Insurance, including proposal to raise the current limitation on rate increases, restriction on covered properties, and allowing Citizens to enter risk-sharing arrangements with private companies and creating stricture requirements for new Citizens customers, to assure that the residents of the Village will have available and affordable insurance coverage.

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- *Florida Retirement System (FRS)*  
 North Bay Village **supports/opposes/will monitor** proposed changes to the FRS making new public employees after January 1<sup>st</sup> of next year join 401(k)-style investment plans rather than the traditional “defined benefit” pension system.
- *Sober Homes*  
 North Bay Village **supports/opposes/will monitor** legislation that defines and establishes minimum regulatory standards for sober home facilities and allows for more stringent local regulation of these facilities. (SB738 by Senator Jeff Clemons)
- *Open Parties*  
 North Bay Village **supports/opposes/will monitor** legislation that expands the definition 856.015, F.S., that makes it a second degree misdemeanor for a person who has control of a residence to allow an open house party to take place at such residence if any alcoholic beverage or drug is possessed or consumed at the residence by a minor. The expansion would include vacant structures and open acreage with or without a structure. (HB5 by Representative Ray Pilon)
- *Communications Services Tax*  
 North Bay Village opposes legislation that restricts or eliminates municipal revenue generated under the communications services tax. This is one of the main sources of general revenue for municipalities, generating over \$800 million every year and the funds can be used for any public purpose. (HB303 by Representative James Grant)
- *Local Business Tax*  
 North Bay Village opposes legislation that restricts or eliminates municipal revenue generated under the local business tax. Currently, a municipality may impose a local business tax for the privilege or engaging in or managing a business, profession, or occupation within its jurisdiction.
- *Traffic Infraction Devices*  
 North Bay Village **opposes/supports/will monitor** legislation that would prohibit a local government from utilizing “Red Light Cameras” and/or redirect additional revenues from same to the state. (HB91 by Representative Daphne Campbell)
- *Transportation Funding*  
 North Bay Village supports legislation that provides opportunities for additional revenue options to fund municipal transportation infrastructure projects. Charter counties may hold a referendum on whether to impose up to a 1% sales tax to fund local transportation infrastructure projects. Municipalities lack such

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authority. Extending such an option to municipalities would allow greater flexibility to fund unique transportation needs.

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## North Bay Village

City Hall 1700 Kennedy Causeway,  
Suite 132 North Bay Village FL 33141

To: Mayor and Commission  
Via: Dennis H. Kelly, Village Manager  
From: Bert Wrains, CGFO, Finance Director  
Re: CCNA services procurement Senator Soto bill  
Date: February 22, 2013

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### Purpose

We have been notified that bills have been filed by Representative Metz (HB 739) and Senator Soto (SB 1002) allowing local governments to use the "best value selection" process when an agency is procuring professional services. A copy of the bill is attached for your review. The Florida League of Cities has requested that all of their members support this proposed legislation by adopting a resolution of support.

### Background

The CCNA provision in Florida Statutes Chapter 287.055 has limited local units of governments in their ability to procure these types of professional services. This legislation is drafted to allow cities and counties a process to achieve "best value selection" when hiring these professionals.

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### MEMORANDUM

#### North Bay Village

**DATE:** February 26, 2013

**TO:** Yvonne P. Hamilton, CMC  
Village Clerk

**FROM:** *Dennis Kelly*  
Dennis Kelly, Village Manager

**SUBJECT:** Introduction of Resolution

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Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, DECLARING SUPPORT FOR SENATE BILL 1002 AND HOUSE BILL 739 PROPOSING CHANGES TO SECTION 287.055, FLORIDA STATUTE, ALSO KNOWN AS "THE CONSULTANTS COMPETITIVE NEGOTIATION ACT" OR "CCNA"; SETTING AN EFFECTIVE DATE.**

Accordingly, please place the item on the next available agenda.

DK:yph

Mayor  
Connie Leon-Kreps

Vice Mayor  
Eddie Lim

Commissioner  
Dr. Richard Chervony

Commissioner  
Wendy Duvall

Commissioner  
Jorge Gonzalez

**5A(2)**

**RESOLUTION NO: \_\_\_\_\_**

**A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, DECLARING SUPPORT FOR SENATE BILL 1002 AND HOUSE BILL 739 PROPOSING CHANGES TO SECTION 287.055, FLORIDA STATUTE, ALSO KNOWN AS "THE CONSULTANTS COMPETITIVE NEGOTIATION ACT" OR "CCNA"; SETTING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER DENNIS KELLY)**

**WHEREAS**, local and state agencies throughout Florida are experiencing severe and significant reductions in revenue; and

**WHEREAS**, professional services agreements constitute a significant public expenditure; and

**WHEREAS**, many local and state agencies throughout the United States routinely compare fees among competing firms before selecting an architect or engineer; and

**WHEREAS**, current Florida law prohibits local and state agencies from competitively comparing architectural/engineering fees and related costs; and

**WHEREAS**, several public organizations including the Florida Association of Counties, the Florida Governmental Finance Officers Association, the Florida Association of Public Procurement Officers and the National Institute of Government Purchasing support the use of alternative procurement methods for the acquisition of professional services; and

**WHEREAS**, the proposed change would modify the existing state law and would give local and state agencies the discretion to competitively compare fees and make a best value selection that considers qualifications and price among pre-qualified firms.

**NOW, THEREFORE, BE IT RESOLVED BY COMMISSION OF NORTH BAY VILLAGE, FLORIDA,**

**Section 1.    Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

**Section 2. Commission Action.** The Village Commission hereby expresses its support for the amendments to Senate Bill 1002 and House Bill 739 amending the Consultants Competitive Negotiation Act for the use of alternative procurement methods for the acquisition of professional services allowing local and state agencies to procure professional services on a "best value basis"

**Section 3. Authorization of Officials.** The Village Clerk is hereby directed to transmit a copy of this Resolution to the Florida League of Cities; the Speaker of the House, the President of the Senate, and Miami-Dade County Legislative Delegation.

**Section 4. Effective Date.** This Resolution shall take effect immediately upon adoption.

The motion to adopt the foregoing Resolution was offered by \_\_\_\_\_, seconded by \_\_\_\_\_.

**FINAL VOTE AT ADOPTION:**

Mayor Connie Leon-Kreps \_\_\_\_\_  
Vice Mayor Eddie Lim \_\_\_\_\_  
Commissioner Richard Chervony \_\_\_\_\_  
Commissioner Wendy Duvall \_\_\_\_\_  
Commissioner Jorge Gonzalez \_\_\_\_\_

**DULY PASSED AND ADOPTED this 28<sup>th</sup> day of February, 2013.**

\_\_\_\_\_  
Connie Leon-Kreps  
Mayor

**ATTEST:**

\_\_\_\_\_  
Yvonne P. Hamilton  
Village Clerk

**APPROVED AS TO FORM FOR USE BY  
NORTH BAY VILLAGE ONLY:**

\_\_\_\_\_  
Weiss Serota Helfman Pastoriza Cole & Boniske, P.L.  
Village Attorney

North Bay Village Resolution: Support of Consultant Competitive Negotiation Act.

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# EXECUTIVE SUMMARY

**Resolution of support to amend the Consultants Competitive Negotiation Act (or "CCNA").**

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**OBJECTIVE:** To improve public procurement in the state of Florida.

**CONSIDERATIONS:** Under Florida law, state and local governments are prohibited from considering price when selecting consultants who provide specific professional services (architecture, engineering, landscape architecture, surveying and mapping). Instead, agencies are required to rank (select) firms based strictly upon qualifications. Price is then negotiated with the top-ranked firm with no knowledge of what the other firms might charge for the work.

While this method of procurement may be advantageous under certain circumstances, it prevents the County or its citizens from ever being able to directly compare fee proposals in the initial contracting process. Accordingly, several professional associations within Florida (and across the country) are seeking to change the law to allow public entities the discretion to continue to use the existing "qualifications-based selection" process or to utilize an alternative "best value" method. Under the alternative method, firms would be ranked according to qualifications as they are presently. The top-ranked firms would then be invited to submit a fee proposal. The top firms would then be re-evaluated considering qualifications and price with the latter being weighted at not more than 50 percent of the total award criteria.

The list of groups supporting the proposed legislation includes the following entities:

- The Florida Association of Counties (FAC)
- The Florida Association of Public Purchasing Officers (FAPPO)
- The Florida Government Finance Officers Association (FGFOA)
- The National Institute of Government Purchasing (NIGP)
- The Southeast Florida Chapter of NIGP
- Wakulla County
- Sarasota County
- Lee County
- St. Lucie County
- Several public professional engineers through out Florida

The Board has previously endorsed the proposed change as part of its annual state legislative agenda.

**LEGAL CONSIDERATIONS:** This item has been reviewed and approved by the County Attorney's Office. This is not quasi-judicial and as such requires only majority vote. This item is legally sufficient for Board action. - CMG

**FISCAL IMPACT:** There is no fiscal impact associated with this Executive Summary.

**GROWTH MANAGEMENT IMPACT:** There is no impact on the Growth Management Plan.

**RECOMMENDATION:** That the Board of County Commissioners adopts the enclosed Resolution of support to amend the Consultant's Competitive Negotiation Act (or "CCNA"),

**PREPARED BY:** Steve Carnell, Purchasing/General Services Director

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# EXECUTIVE SUMMARY

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**PREPARED BY:** Steve Carnell, Purchasing/General Services Director

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By Senator Soto

14-01249-13

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1 A bill to be entitled

2 An act relating to the procurement of professional  
3 architectural, engineering, landscape architectural,  
4 or surveying and mapping services; amending s.  
5 287.055, F.S.; revising the definition of the term  
6 "continuing contract" and defining the term "best  
7 value selection"; clarifying provisions with respect  
8 to selection of firms by an agency under the  
9 competitive selection process; providing that an  
10 agency has the right to reject any or all submissions  
11 received in response to a public announcement under  
12 the competitive selection process; authorizing an  
13 agency to award contracts to multiple firms under the  
14 competitive negotiation process; providing for a best  
15 value selection process; requiring agencies to adopt  
16 rules governing the use of the process; providing  
17 minimum requirements with respect to best value  
18 selection procedures; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Paragraph (g) of subsection (2) of section  
23 287.055, Florida Statutes, is amended, and paragraph (m) is  
24 added to that subsection, paragraph (b) of subsection (4) of  
25 that section is amended, and paragraph (e) is added to that  
26 subsection, paragraph (d) is added to subsection (5) of that  
27 section, present subsections (6) through (11) are renumbered as  
28 subsections (7) through (12), respectively, and a new subsection  
29 (6) is added to that section, to read:

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30 287.055 Acquisition of professional architectural,  
31 engineering, landscape architectural, or surveying and mapping  
32 services; definitions; procedures; contingent fees prohibited;  
33 penalties.-

34 (2) DEFINITIONS.-For purposes of this section:

35 (g) A "continuing contract" means ~~is~~ a contract for  
36 professional services entered into in accordance with all the  
37 procedures of this act between an agency and a firm whereby the  
38 firm provides professional services to the agency for projects  
39 in which the estimated construction cost of each individual  
40 project under the contract does not exceed \$2 million, for study  
41 activity if the fee for professional services for each  
42 individual study under the contract does not exceed \$200,000, or  
43 for work of a specified nature as outlined in the contract  
44 required by the agency, with the contract having ~~being for a~~  
45 ~~fixed term or with~~ no time limitation, except that the contract  
46 must provide a termination clause. Firms providing professional  
47 services under continuing contracts shall not be required to bid  
48 against one another.

49 (m) "Best value selection" means the selection of a firm or  
50 firms whose proposal provides the greatest overall benefit to an  
51 agency in accordance with the requirements of a formal  
52 solicitation.

53 (4) COMPETITIVE SELECTION.-

54 (b) The agency shall select in order of preference no fewer  
55 than three firms deemed to be the most highly qualified to  
56 perform the required services, except in instances where fewer  
57 than three firms respond to the public announcement. In  
58 determining whether a firm is qualified, the agency shall

14-01249-13

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59 consider such factors as the ability of professional personnel;  
60 whether a firm is a certified minority business enterprise; past  
61 performance; willingness to meet time and budget requirements;  
62 location; recent, current, and projected workloads of the firms;  
63 and the volume of work previously awarded to each firm by the  
64 agency, with the object of effecting an equitable distribution  
65 of contracts among qualified firms, provided such distribution  
66 does not violate the principle of selection of the most highly  
67 qualified firms. The agency may request, accept, and consider  
68 proposals for the compensation to be paid under the contract  
69 only during competitive negotiations under subsection (5).

70 (e) The agency shall have the right to reject any or all  
71 submissions received in response to the public announcement.

72 (5) COMPETITIVE NEGOTIATION.—

73 (d) The agency may, in its discretion, award contracts to  
74 multiple firms.

75 (6) BEST VALUE SELECTION PROCESS.—

76 (a) An agency may, at its discretion, purchase professional  
77 services using a best value selection process, subject to  
78 requirements provided in this subsection. The agency shall make  
79 such purchases in accordance with this chapter and rules  
80 applicable to the agency.

81 (b) Each agency shall adopt rules governing the use of the  
82 best value selection process in choosing a firm or firms.

83 Procedures for the use of the best value selection process must  
84 include, at a minimum:

85 1. The preparation and distribution of a public  
86 solicitation consistent with the requirements of subsection (3).  
87 The public solicitation shall contain the criteria, procedures,

14-01249-13

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88 and standards for the evaluation of proposals considered under  
89 subparagraph 3.

90 2. The initial evaluation of proposals received in  
91 accordance with the requirements of paragraph (4) (a).

92 3. A two-stage selection process that shall, at a minimum,  
93 adhere to the following procedures and requirements:

94 a. Except as otherwise provided in this section, under the  
95 initial stage of the selection process, competing firms shall be  
96 evaluated using the criteria set forth in paragraph (4) (b) and  
97 the agency shall select a firm or firms based on the  
98 evaluations. Proposals for compensation to be paid under the  
99 contract may not be solicited or accepted during this stage of  
100 the selection process.

101 b. Under the second stage of the selection process, the  
102 firms selected shall be asked to submit a compensation proposal  
103 for the proposed work. The proposal shall be evaluated along  
104 with the information obtained under sub-subparagraph a. and any  
105 other information the agency chooses to request with the  
106 compensation proposal to make a best value selection.

107 4. A requirement that the criterion pertaining to  
108 compensation may not exceed 50 percent of the total weight of  
109 the published evaluation criteria.

110 5. Authority of an agency head to negotiate with the best  
111 firm available in the event of a declared state of emergency  
112 pursuant to s. 252.36.

113 Section 2. This act shall take effect July 1, 2013.