



BEFORE THE BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

RESOLUTION NUMBER 25-1.5

A RESOLUTION AMENDING THE PURCHASING MANUAL BY ADDING SECTION
17.6 PUBLIC-PRIVATE PARTNERSHIPS (PPP) (P3)

WHEREAS, in compliance with Section 135.5, General Ordinances, Martin County Code, the Board of County Commissioners of Martin County, Florida adopted a Purchasing Manual which reflects purchasing policies and procedures as approved by the Board of County Commissioners; and

WHEREAS, in compliance with Section 135.5, General Ordinances, Martin County Code, the Purchasing Manual may be amended from time to time by resolution; and

WHEREAS, the addition of Section 17.6 Public-Private Partnerships to the Purchasing Manual will allow the Board to consider public-private partnerships in accordance with Section 255.065, Fla. Stat.;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Martin County, Florida, hereby amends the Martin County Purchasing Manual to include Section 17.6 Public-Private Partnerships (PPP) (P3) which is attached hereto and incorporated herein as Exhibit A.

DULY PASSED AND ADOPTED THIS 14TH DAY OF JANUARY 2025.

ATTEST

BOARD OF COUNTY COMMISSIONERS
MARTIN COUNTY, FLORIDA

Sarah Heard
Chair

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Sarah W. Woods
County Attorney

Inst: # 3110778
Bk: 3480 Pg: 4 Pages: 1 of 5
Recorded on: 1/28/2025 10:31 AM Doc: GOV
Carolyn Timmann
Clerk of the Circuit Court & Comptroller
Martin County, FL
Rec Fees: \$44.00

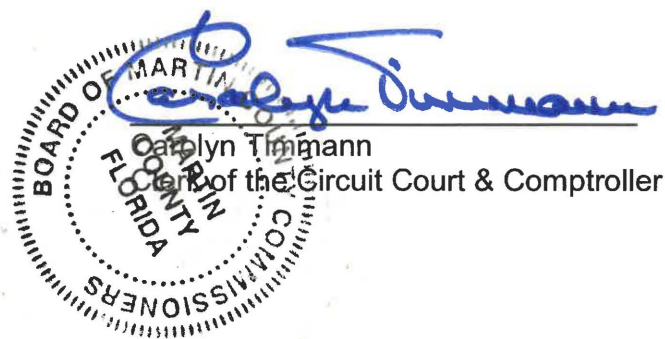


Exhibit A

17.6 Public-Private Partnerships (PPP) (P3).

- A. In accordance with Section 255.065, Florida Statutes, the County may receive unsolicited proposals or may solicit proposals for a qualifying project and may thereafter enter into a comprehensive agreement with a private entity, or a consortium of private entities, for the building, upgrading, operating, ownership, or financing of facilities.
- B. The County has determined that it is in the public's interest to provide for such public-private partnerships for qualifying projects as defined in Section 255.065, Florida Statutes and to adopt procedures in accordance with Section 255.065, Florida Statutes, and this Purchasing Policy Manual regarding procurement of such projects. It is the intent of the County Commission to encourage investment in Martin County by private entities; to facilitate various bond financing mechanisms, private capital, and other funding sources for the development and operation of qualifying projects, including expansion and acceleration of such financing to meet the public need; and to provide the greatest possible flexibility to public and private entities contracting for the provision of public services.
- C. The County may receive unsolicited proposals or may solicit proposals for a qualifying project and may thereafter enter into an interim agreement or a comprehensive agreement (a "Public-Private Agreement") with a private entity, or a consortium of private entities, for the building, upgrading, operating, ownership, or financing of facilities in accordance with Section 255.065, Florida Statutes, and this Purchasing Policy Manual.
- D. Prior to solicitation of any Public-Private Agreement on any qualifying project the proposed solicitation shall be submitted to the Board of County Commissioners for its review and approval. Staff shall present a detailed outline of the proposed qualifying project, the anticipated solicitation process, the project schedule, and the public interest anticipated to be addressed by the Public-Private Agreement. The final form of any Public-Private Agreement shall be submitted to Board of County Commissioners for its review and approval at a public meeting.
- E. The private party proposer shall pay all reasonable costs of review and analysis of its proposal. Any private entity that submits an unsolicited proposal to the County must concurrently pay the initial application fee as from time to time established by the County in cash, cashier's check, or other noncancelable instrument. Personal checks shall not be accepted. If the County determines in its sole discretion that the initial application fee does not cover the County's reasonable costs to evaluate the unsolicited proposal, the County may request that the private proposer pay the additional amounts required to cover such cost. The private proposer must pay the requested additional amounts within thirty (30) days after receipt of

the County's written request and the County may stop its review of the proposal if the private entity fails to pay the additional amounts. If the County in its sole discretion elects not to evaluate the unsolicited proposal, it shall return the application fee. The County also may charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request, including, but not limited to, reasonable attorney fees and fees for financial and technical advisors or consultants and for other necessary advisors or consultants.

- F. Upon receipt of any unsolicited proposal or determination to issue a request for proposals, the County shall publish advertisement(s) of same in accordance with the County's advertisement requirements as set forth in this Purchasing Policy Manual or, if the proposal is for a "qualifying project" as defined in Section 255.065(1)(i), Florida Statutes, the County shall advertise as set forth in Section 255.065(3)(b), Florida Statutes. The timeframe within which the County may accept other proposals shall be determined by the County on a project-by-project basis based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time within which other proposals may be received; provided, however, that for qualifying projects the timeframe for allowing other proposals must be at least twenty-one (21) days but no more than one hundred twenty (120) days after the initial date of publication. If approved by a majority vote of the County Commission, the County may alter the timeframe for accepting proposals to more adequately suit the needs of the qualifying project. A copy of the notice must be mailed to each local government in the affected area.
- G. If any qualifying project solicited by the County includes design work, the solicitation shall include a design criteria package prepared by an architect, a landscape architect, or an engineer licensed in this state which is sufficient to allow private entities to prepare a bid or a response. The design criteria package must specify reasonably specific criteria for the qualifying project such as the legal description of the site, with survey information; interior space requirements; material quality standards; schematic layouts and conceptual design criteria for the qualifying project; cost or budget estimates; design and construction schedules; and site development and utility requirements. The licensed design professional who prepares the design criteria package shall be retained to serve the County through completion of the design and construction of the project.
- H. Before approving a comprehensive agreement, the County must determine that the proposed project:
 - 1. Is in the public's best interest.
 - 2. Is for a facility that is owned by the County or for a facility for which ownership will be conveyed to the County.
 - 3. Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of

material default or cancellation of the comprehensive agreement by the County.

4. Has adequate safeguards in place to ensure that the County or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.
 5. Will be owned by the County upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.
- I. Before signing a comprehensive agreement, the County must consider a reasonable finance plan that is consistent with Section 255.065(9), Florida Statutes; the qualifying project cost; revenues by source; available financing; major assumptions; internal rate of return on private investments, if governmental funds are assumed in order to deliver a cost-feasible project; and a total cash-flow analysis beginning with the implementation of the project and extending for the term of the comprehensive agreement. To assist the County in analyzing such financing plan applicants shall provide County with such financial information as the County may request including, without limitation, providing at least two (2) years of audited financial statements and documentation evidencing 100% of the proposed funding source (e.g., providing a loan commitment for 70% funding with documentation detailing the source of 30% equity financing).
- J. In considering an unsolicited proposal, the County may require from the private entity a technical study prepared by a nationally recognized expert with experience in preparing analysis for bond rating agencies. In evaluating the technical study, the responsible public entity may rely upon internal staff reports prepared by personnel familiar with the operation of similar facilities or the advice of external advisors or consultants who have relevant experience.
- K. After the public notification period has expired in the case of an unsolicited proposal, the County shall rank the proposals received in order of preference. In ranking the proposals, the County may consider factors that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, proposed property management structures and finance plans. The proposer shall submit a preliminary plan for development and use of the subject property which plan and use may be modified and refined in coordination with County. The County may then begin negotiations for a comprehensive agreement with the highest-ranked firm. If the County is not satisfied with the results of the negotiations, the County terminate negotiations with the proposer and negotiate with the second-ranked or subsequent-ranked firms, in the order consistent with this procedure. If only one proposal is received, the County may negotiate in good faith, and if the County is not satisfied with the results of the negotiations, the responsible public entity may terminate negotiations with the proposer. Notwithstanding this

paragraph, the County may reject all proposals at any point in the process until a contract with the proposer is executed.

- L. The County shall perform an independent analysis of the proposed public-private partnership which demonstrates the cost-effectiveness and overall public benefit before the procurement process is initiated or before the contract is awarded.
- M. Approval of a qualifying project by the County is subject to entering into a comprehensive agreement with the private entity.