

Legislation Text

File #: 17-549, **Version:** 3

P.H. 2017-81: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, AMENDING CHAPTER 32, "DEPARTMENTS," OF THE POMPANO BEACH CODE OF ORDINANCES BY CREATING SECTION 32.47, "PUBLIC-PRIVATE PARTNERSHIPS," AND BY CREATING SECTION 32.48, "UNSOLICITED PROPOSALS," TO CODIFY THE PROCUREMENT PROCEDURES TO BE USED FOR PUBLIC-PRIVATE PARTNERSHIPS AND UNSOLICITED PROPOSALS CONSISTENT WITH SECTION 255.065, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: SEPTEMBER 26, 2017

(Staff Contact: Greg Harrison/Suzette Sibble)

Summary Explanation/Background:

The Florida Legislature recognized that there was a need for the construction or upgrade of facilities that are used predominantly for public purposes and that it is in the public's best interest to provide for alternative mechanisms to deliver the upgrading or construction of these facilities. The Legislature also found that the public sector may receive "unsolicited proposals" for a qualifying project and may thereafter enter into an agreement with a private entity, or a consortium of private entities, for a qualifying project. The public sector may formally issue solicitations to attract private partners or may receive "unsolicited proposals" relative to a particular project. Section 255.065 of Florida Statutes, Public-private partnerships; public records and public meetings exemptions, codifies minimum standards and requirements whereby a government entity may utilize public-private partnerships as a procurement method for public projects in Florida. Public Private Partnerships (P3s or PPP) involves a collaboration between the private and public sector and typically involves all or a combination of factors whereby the private sector may design, finance, build, and possibly maintaining and operate public infrastructure for some period of time. The form of P3 relationships often vary from entity to entity and from project to project and can take on many forms, depending on the objective of both parties on entering into the relationship. The private sector enters into a P3 arrangement with the public sector in return for a promised stream of payments directly from the government entity or indirectly from users over the projected life of the project or some other specified period of time. Benefits to the public sector could include identifying a private source of capital for a qualifying project, risk transfer for project development and operation, expedited project delivery and the attraction of innovation and expertise from the public sector.

The adoption of this ordinance by the City will establish minimum statutory requirements governing P3 arrangements and the receipt of "unsolicited proposals". Please refer to the attached memorandum for additional discussion.

Origin of request for this action: City Manager's Office

Fiscal impact and source of funding: N/A

