



**INVITATION TO BID  
No. ISD-24-01**

**SALE OF COUNTY- OWNED PROPERTY**

**FOLIO NUMBER: 01-0111-050-1060  
73 WEST FLAGLER STREET  
MIAMI, FLORIDA**

**ISSUING DEPARTMENT:  
INTERNAL SERVICES DEPARTMENT**

**BIDS ARE DUE NO LATER THAN  
September 4, 2024, at 2:00 PM (Eastern, +\Local Time)**

**At**

**CLERK OF THE BOARD OF COUNTY COMMISSIONERS  
STEPHEN P. CLARK CENTER  
111 NW 1<sup>ST</sup> STREET, 17TH FLOOR, SUITE 202  
MIAMI, FLORIDA 33128-1983**

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**THE RESPONSIBILITY FOR SUBMITTING A BID AT THE OFFICE OF THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON OR BEFORE THE STATED TIME AND DATE WILL BE SOLELY AND STRICTLY THE RESPONSIBILITY OF THE BIDDER.**

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**MIAMI-DADE COUNTY IS AN EQUAL OPPORTUNITY EMPLOYER AND DOES NOT DISCRIMINATE BASED ON AGE, GENDER, RACE OR DISABILITY.**

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**ATTACHMENT 1-OFFERING MEMORANDUM  
ATTACHMENT 2-CONTRACT FOR SALE AND PURCHASE  
ATTACHMENT 3-R-2020-16 & DADE COUNTY INTERIOR  
DESIGNATION 2020  
ATTACHMENT 4-BOUNDARY SURVEY  
ATTACHMENT 5-TITLE SEARCH REPORT**

**BID SUBMITTAL FORM  
OWNER DISCLOSURE AFFIDAVIT  
BID BOND  
LOBBYING REGISTRATION AFFIDAVIT  
MIAMI-DADE COUNTY DISCLOSURE AFFIDAVIT  
CONTRACTING WITH ENTITIES of FOREIGN COUNTRIES of  
CONCERN PROHIBITED AFFIDAVIT  
BIDDER DUE DILIGENCE AFFIDAVIT  
CONFIDENTIALITY AFFIDAVIT**

## 1.0 DEFINITIONS:

The following words and expressions used in this solicitation shall be construed as follows, except when it is clear from the context that another meaning is intended:

- a) The words “Awarded Bidder”, “Buyer” or “Grantee” shall mean the Bidder(s) awarded a Contract as a result of this Solicitation.
- b) The word “Bid” shall refer any offer submitted in response to this Solicitation.
- c) The word “Bidder” shall refer to legal entity or individual submitting a Bid in response to this Solicitation.
- d) The words “Bid Due Date” shall mean the date and time specified in the Solicitation as the deadline for submitting bids to the Clerk of the Board.
- e) “Bid Opening Date” shall mean the date and time when the sealed Bids are open after the Bid Due Date.
- f) The words “Bid Officer” shall refer to the person to contact with any questions regarding the Solicitation.
- g) “Bid Submission Package” shall refer to the fully executed and complete submission of all required documents as defined in Section 1.5.
- h) The words “Board of County Commissioner” or “BCC” is defined as a group of elected officials collectively charged with administering the County government in some states of the United States.
- i) The words “Clerk of the Board” is defined as a duly elected official who provides direct administrative support to the Board of the County Commissioners.
- j) The word “Closing” shall mean the event during which fee simple title is officially transferred from Miami-Dade County to the Awarded Bidder, subject to any conditions precedent and requirements set forth in the Contract for Sale and Purchase.
- k) The word “Contract for Sale and Purchase” shall mean that Contract entered between the County and the Awarded Bidder to effectuate the transfer of the Property between the County and the Awarded Bidder, in the substantially the form attached hereto or as otherwise approved and adopted by the Board of County Commissioners.
- l) The word “County” shall refer to Miami-Dade County, a political subdivision of the State of Florida.
- m) The words “County Deed” shall mean the document in which the Property will be conveyed.
- n) The words “County Mayor” is defined as head of the County government with specific powers and responsibilities. The Mayor shall be responsible for the management of all administrative departments of the County government and for carrying out policies adopted by the Board of County Commissioners.

- o) The word “Department” or “ISD” shall mean Miami-Dade Internal Services Department a County department.
- p) The word “Lobbyist” shall have the definition as set forth in section 1.21 herein.
- q) The term “Minimum Bid Amount” shall mean the highest Bid price to the County that meets or exceeds the amount as defined in Section 1.1.
- r) The words “Offering Memorandum” shall mean a document providing Bidders with information highlighting the Property.
- s) The word “Property” shall mean the approximately 1.66 acres of real property, Folio Number 01-0111-050-1060, located at 73 W. Flagler Street, Miami, Fl.
- t) The words “Responsible Bidder” shall refer to a Bidder that has the capability in all respects to fully perform the contract requirements and the integrity and reliability that will assure good faith performance.
- u) The words “Responsive Bid” shall refer to a Bidder that has submitted a bid or reply that conforms in all material aspects to the Solicitation.
- v) The word “Resolution” is defined as an official expression of the opinion or will of a legislative body.
- w) The word “Solicitation” shall mean this Invitation to Bid (ITB), and all associated addenda and attachments.

## 1.1 OVERVIEW AND PROCEDURES INTRODUCTION / PROPERTY DESCRIPTION:

Miami-Dade County (County), as represented by the Internal Services Department, is requesting bids via sealed bid auction from Bidders legally capable of holding title to real estate, to purchase, **AS-IS**, the following property:

FOLIO NUMBER: 01-0111-050-1060  
ADDRESS: 73 West Flagler Street, Miami, Florida

**LEGAL DESCRIPTION:** Miami North PB B-41 All of BLK 115-A Less W50FT FOR ST & AREA K/A E LYG E of BLK 115-A & LOTS 8 & 9 BLK 115-N

<u>Folio No.</u>	<u>Address</u>	<u>Lot Size</u>	<u>District</u>	<u>Zoning</u>	<u>Minimum Bid Amount</u>	<u>Property Description</u>
01-0111-050-1060	73 West Flagler Street Miami, Florida	±72,500 Sq Ft	5	RTZ	\$52,300,000	Improved with a 27 floor Courthouse

The County is seeking Bidders with experience and the capacity to own and operate a large-scale historic property in compliance with national and local historic preservation regulations. The Offering Memorandum provided as **Attachment 1** sets forth additional information regarding the national and historic designations. The County anticipates entering into a single Contract for Sale and Purchase of the aforementioned property as a result of this Solicitation. The proposed Contract for Sale and Purchase is provided as **Attachment 2**.

The Property is historically designated and subject to the requirements of Resolution No. R-2020-16 of the Miami-Dade County Historic Preservation Board and the Dade County Interior Designation 2020, provided as **Attachment 3**. Any and all operations, construction and activities within the Property shall be compliant with this Resolution and any and all other regulatory requirements related to same, whose responsibility to identify and comply therewith lies solely with the Awarded Bidder.

The Property listed herein is offered for sale “**AS-IS**” and unless otherwise provided in the Solicitation, the County makes no warranty, express or implied, as to quality, size, or description of the property, or its fitness for any use or purpose.

**Potential Bidders are encouraged to conduct due diligence prior to submitting a bid in accordance with the terms of this Solicitation and should investigate and verify all facts deemed relevant prior to submission of a Bid.**

## 1.2 SOLICITATION SCHEDULE:

The anticipated schedule for this Solicitation is as follows:

Pre-Bid Conference:	July 15, 2024, at 2:00 PM See further instructions in Section 1.2
Site Visit Dates:	See Section 1.10 for Dates and Instructions
Deadline for Receipt of Questions:	August 23, 2024, at 2:00 PM
Deadline for Receipt of Bids (Bid Due Date):	September 4, 2024, at 2:00 PM
Bid Opening Date and Location:	September 4, 2024, immediately after deadline at SPCC 18 <sup>th</sup> Floor Room 18-1
Closing Date:	Shall occur within 30 days after the Property has been vacated by the Courthouse Occupants or such additional time, not to exceed 90 days as may be necessary under section 5(b) of the Contract for Sale and Purchase.

## 1.3 SOLICITATION AVAILABILITY:

Digital copies of this Solicitation will be available to download from the Miami-Dade County Internal Services Department (ISD)/ Real Estate Development Division (REDD) website [miamidade.gov/real-estate-invitation-to-bid](https://miamidade.gov/real-estate-invitation-to-bid), or can be requested via email to Idania Barroso, Real Estate Advisor (Bid Officer) to [Idania.Barroso@miamidade.gov](mailto:Idania.Barroso@miamidade.gov), copying the Clerk of the Board, [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov). Bidders who obtain copies of this Solicitation from sources other than that as explained above risk the potential of not receiving addenda; since their names will not be included on the list of firms participating in the process for this particular Bid (see **Section 1.11**).

## 1.4 PRE-BID CONFERENCE:

A Non-Mandatory Pre-Bid Conference is scheduled via Zoom on Monday, July 15, 2024, at 2:00 PM Eastern/Local time to discuss general requirements of this Bid. While attendance is not mandatory, Bidders are encouraged to attend this Pre-Bid Conference. To join the meeting, please use the Zoom link below:

Join Zoom Meeting

<https://miamidade.zoom.us/j/86421213570?pwd=m6Q0RijLpq5xbgbBmlgJk2a1I24uZb.1>

Meeting ID: 864 2121 3570

Passcode: 649268

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One tap mobile

+17866351003,,86421213570#,,,,\*649268# US (Miami)

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Dial by your location

- +1 786 635 1003 US (Miami)

Meeting ID: 864 2121 3570

Passcode: 649268

Find your local number: <https://miamidade.zoom.us/j/kgoV2gqx4>

Bidders are encouraged to submit any questions in writing to the Bid Officer copying the Clerk of Board, [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov) as specified in Section 1.9, Cone of Silence/Contact Person, in advance of the Pre-bid Conference.

### **1.5 BID SUBMISSION PACKAGE**

In response to this Solicitation, Bidders shall complete and return the below listed documents. Bidders should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required and submitted in the manner described in this Solicitation without any alterations, or else the Bid may be deemed non-responsive.

The Bidder will submit one (1) sealed envelope containing the following signed documents:

1. Bid Submittal Form
2. Contract for Sale and Purchase (executed by Bidder, including the Bid price)
3. Owner Disclosure Affidavit
4. Bid Bond (original(s) only; cannot be copies)
5. Lobbyist Registration
6. Miami-Dade County Disclosure Affidavit
7. Contracting with Entities of Foreign Countries of Concern Prohibited Affidavit
8. Bidder Due Diligence Affidavit
9. In addition to the above-referenced documentation provided either as originals or as hard copies, a USB Hard (Flash) Drive containing a copy of all required Bid Submission Package in PDF format, placed inside the sealed envelope containing all above-referenced documentation specified herein.

A Bidder shall not make any conditional offers as part of its Bid Submission Package. A Bidder may not condition its Bid “subject to” any contingencies. Any contingencies or conditional offers included as part of a Bid may render the Bid non-responsive.

Each Bid must state the number of addenda received, or state that the Bidder waives the requirement that their Bid could be rejected due to the lack of such statement. Other items may be required, depending on circumstances, as explained in this Solicitation.

The sealed envelope shall bear on the outside the Bidder’s name, address, the Property’s folio number, Invitation to Bid No., and the Bid Due Date. Submission of Bids is due at the time and date stated in Section 1.2. Bids will not be opened or considered if received after the Bid Due Date.



Please deliver the sealed envelope to:

**Clerk of the Board of County Commissioners  
Stephen P. Clark Center  
111 NW 1st Street, 17th Floor, Suite 202  
Miami, FL 33128-1983**

All bids must be delivered to the above address **ONLY** between the hours of 8:30 a.m. and 4:30 p.m., Mondays through Fridays, excluding holidays observed by the County. Bidders are responsible for informing any commercial delivery service, if used, of all delivery requirements and for ensuring that the required address information appears on the outer wrapper or envelope used by such service.

The Bid must be signed by the Bidder, or a party who is legally authorized to submit the Bid, and must have attached the completed, signed forms as specified herein in section 1.5. The submittal of a Bid by a Bidder will be considered by the County as constituting an offer by the Bidder to purchase the Property specified at the stated price.

#### **1.6 IMPLEMENTING ORDER 8-4**

Pursuant to Miami-Dade County Implementing Order 8-4, Guidelines and Procedures for the Sale, Lease, and Conveyance of County Real Property, the County desires to contract to sell, lease or dispose of County-owned real property to responsible entities, and to know the ownership composition of all entities to whom it contracts to sell, lease or dispose of County-owned real property. The term “responsible entity” relates to the entity’s financial condition, capability, experience, and past performance, and includes honesty and integrity, skill and business judgment, experience and capacity for performing under the contract, and previous conduct, including but not limited to, meeting its financial obligations.

An entity must be deemed responsible in order to be considered for award of the Property through a sale. This determination will be made at the sole discretion of the County and shall include but not be limited to consideration as to whether the requestor, or other entity in which the requestor has a controlling financial interest, was previously conveyed or leased County-owned property which was later the subject of an involuntary reverter or lease termination by the County.

Determinations on responsibility are ultimately made by the Board of County Commissioners and, where the delegated authority exists to contract, by the County Mayor, and are fundamentally issues of business judgment and policy.

The term “ownership composition” as used in this Solicitation means the identification of all persons with an ownership interest in such entity in excess of five percent; provided, however, that the ownership composition of governmental entities or publicly traded companies does not need to be identified or determined.

Bidders are hereby required to complete the Ownership Affidavit form attached in this Solicitation.

This form must be completed in its entirety to be eligible to be the Awarded Bidder.

## **1.7 FLORIDA SUNSHINE LAWS AND PROPRIETARY/CONFIDENTIAL INFORMATION:**

As further detailed in the Bid Form, Bidders are hereby notified that all information submitted as part of, or in support of Bids will be available for public inspection after opening of Bids, in compliance with Chapter 119, Florida Statutes.

The County, as political subdivision of the State of Florida, is subject to the requirements of the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, and Chapter 119, Florida Statutes, popularly known as the "Public Record Law". The award of the Bid will be required to be made in public meetings. In addition, the law requires that recordings of certain meetings be made available to the public after the meeting is initially conducted in private. As a result of these requirements, the County may be required to discuss certain contents of the Bids notwithstanding Bidders' claim to confidentiality or trade secret. As further detailed in the Bid Form, Bidders are hereby notified that all information submitted as part of, or in support of Bids will be available for public inspection after opening of the Bids. Bidders hereby release and hold harmless from any and all claims, actions, and causes of action which may result from the County's disclosed to the County as a result of this process. Bidders are advised to seek legal advice with these matters.

## **1.8 COUNTY RIGHTS:**

The County reserves, without limitation, and may exercise at its discretion, the rights set forth below. These rights are in addition to those set forth in this Solicitation and will not limit any of the specific rights or conditions provided in this Solicitation. By responding to this Solicitation, Bidder acknowledges and consents to the County's reservation of the following rights in effect before award of any agreement as a result of this Solicitation. The County has a right to:

- (a) Postpone or cancel the Solicitation process at any time;
- (b) Waive any irregularities in this Solicitation;
- (c) Disqualify any Bidder that changes its organization, including but not limited to changes to owners, as represented in its Bid;
- (d) Conduct investigations with respect to the qualifications and experience of any Bidder included in a Bid, including the right to contact any references identified by the Bidder in its Bid, to request additional evidence to support any such information, and to obtain information from any source to obtain a better understanding, including contacting entities that the Bidder has done business with;
- (e) Have County employees or other staff members, contractors, advisors, agents and representatives visit and examine the Property for compliance with any post-Closing obligations of the Bidder as established in the Bid herein as well as the Contract for Sale and Purchase;
- (f) Seek the assistance of outside advisors for financial, technical and legal advice or determinations for any aspect of any Bid;
- (g) Waive any defect, technicality or any other error or irregularity in any Bid or with respect to the awarding process;
- (h) Waive any non-material deviation;
- (i) Require Bidders to provide representatives at places and times requested by the County to meet with the County and to answer questions and supplement or otherwise clarify matters for the County;
- (j) Revise or eliminate one or more of the terms and restrictions described in the Contract for Sale and Purchase, or to include restrictions not currently contemplated therein;
- (k) Disapprove and/or require replacement of a particular Key Personnel of Bidder;
- (l) Not approve or execute the Contract for Sale and Purchase as a result Bid process for any reason;

- (m) Take any action affecting the Bid process or the disposition of the Property that the County determines to be in the County's best interests; and/or
- (n) Exercise any other right reserved or afforded to the County under this Bid and applicable law.

### **1.9 CONE OF SILENCE/CONTACT PERSON:**

Pursuant to Section 2-11.1 (t) of the Code of Miami-Dade County, as amended (the "Code"), a "Cone of Silence" is imposed upon each Solicitation after advertisement and terminates at the time a written recommendation is issued. The Cone of Silence prohibits any communication regarding the Solicitation between, among others:

- Potential Bidders, Proposers, Submitters, Lobbyists or consultants and the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff, County Commissioners or their respective staffs;
- The County Commissioners or their respective staffs and the County's professional staff including, but not limited to, the County Mayor and the County Mayor's staff; or
- Potential Bidders, Proposers, Submitters, Lobbyists or consultants, any member of the County's professional staff, the Mayor, County Commissioners or their respective staffs.

The provisions do not apply to, among other communications:

- Oral communications with the Bid Officer (designated as the County's contact on the face of the Bid), provided the communication is limited strictly to matters of process or procedure already contained in the Solicitation;
- Oral communications at pre-bid conferences and oral presentations before/during any duly noticed public meeting, public presentations made to the Board of County Commissioners (the "Board") during any duly noticed public meeting;
- Recorded contract negotiations and contract negotiation strategy sessions; or
- Communications in writing at any time with any County employee, official or member of the Board of County Commissioners unless specifically prohibited by the applicable Solicitation.

When the Cone of Silence is in effect, all potential Bidders, Proposers, Submitters, Lobbyists and consultants shall file a copy of any written correspondences concerning the Solicitation with the Clerk of the Board, which shall be made available to any person upon request. The County shall respond in writing (if County deems a response is necessary) and file a copy with the Clerk of the Board, which shall be made available to any person upon request. Written communications may be in the form of e-mail, with a copy to the Clerk of the Board at [Clerkbcc@miamidade.gov](mailto:Clerkbcc@miamidade.gov).

All requirements of the Cone of Silence policies are applicable to this Solicitation and must be adhered to. Any and all written communications regarding the Solicitation are to be submitted only to the Bid Officer with a copy to the Clerk of the Board. The Bidder shall file a copy of any written communication with the Clerk of the Board. The Clerk of the Board shall make copies available to any person upon request.

## **1.10 SITE VISIT:**

A highly recommended site visit is being held for Bidders to visit the property prior to submitting a Bid. Bidders are encouraged to attend as this will be the only dates permitted for potential Bidders to visit the property.

### Registration

All Bidders attending the site visit are required to pre-register and provide a completed and notarized Confidentiality Affidavit, as included hereto for each person attending. All completed Confidentiality Affidavits should be returned to the Bid Officer, [Idania.Barroso@miamidade.gov](mailto:Idania.Barroso@miamidade.gov), copying the Clerk of the Board, [clerkbcc@miamidade.gov](mailto:clerkbcc@miamidade.gov), by Friday, July 12, 2024 at 2:00 PM.

Site Visit Dates: Monday, July 27, 2024 & Monday, August 3, 2024

All pre-registered Bidders will receive an email invite including the allotted time for the Bidder's team to attend.

Bidders shall be escorted during the site, and are fully responsible and liable for their personnel, and agents while at the Property. Bidders agree to accept this liability at all times during the site visit.

Property files are also available for inspection. An appointment to view property files must be made in writing to the Bid Officer with a copy to the Clerk of Board.

## **1.11 ADDITIONAL INFORMATION/ADDENDA:**

Questions or clarifications must be made in writing to the Bid Officer and received as specified in Section 1.3 and Section 1.9 no later than the deadline for receipt of questions specified in Section 1.2, Solicitation Schedule. The request must contain the Solicitation number, Bidder's name and email address.

The County will issue responses to inquiries and any other corrections or amendments it deems necessary in written addenda issued prior to the Bid Due Date. The employees and representatives of the Bidder may not contact any County staff other than the Bid Officer, or their designee, to obtain information on the Solicitation. Any contact with County staff other than the Bid Officer may result in the Bidder's disqualification. Bidders should not rely on any representations, statements or explanations other than those made in this Solicitation or in any addenda issued. Where there appears to be a conflict between the Solicitation and any addenda issued, the last addendum issued shall prevail.

It is the Bidder's responsibility to ensure receipt of all addenda, and any accompanying documentation. Bidders are encouraged to check the County website specified in Section 1.3 of this Solicitation for all addenda posted. The Bidder should verify with the designated contact person prior to submitting a Bid that all addenda have been received. Bidders are required to acknowledge the number of addenda received and receipt thereof as part of their Bid.

Bidders who obtain copies of this Solicitation from sources other than the Internal Services Department, Real Estate Development Division, risk the potential of not receiving addenda, since their names will not be included on the Bidder List for this Solicitation. Such Bidders are solely responsible for those risks.

## **1.12 RESPONSIBLE ENTITY CONFIRMATION: FINANCIAL CRITERIA AND QUALIFICATIONS**

As part of the Bid submittal requirement, Bidders shall provide the following Financial Criteria along with the executed Bidder Due Diligence Affidavit:

### **1. Financing**

- a) Provide a narrative describing the proposed financing solution for the acquisition of the Property, including but not limited to the stage and level of commitment for each equity (including quasi equity) and debt arrangement.
- b) Identify the breakdown of the various sources of capital funding for the acquisition of the Property.

### **2. Financing Experience and Track Record**

Describe the Bidder's past experience with obtaining financing for similar purchases, including any preliminary documentation demonstrating the ability to secure financing for the Bid.

### **3. Debt Source & Documentation**

This section involves the information for bank financings:

- a) Identify the lender(s) and/or lead underwriter(s); and any other lead arrangers, lead managers and/or underwriting banks and/or quasi-equity providers that have given indications/commitments.
- b) Attach letter(s) of commitment from the lender(s) and/or lead underwriter(s), other lead arrangers, lead managers and/or underwriting banks.

## **1.13 BID BOND REQUIREMENT AND DEPOSIT:**

Each bid shall be accompanied by a Bid Bond Form, payable to the Board of County Commissioners, Miami-Dade County, Florida, in the amount of **\$100,000.00** as a guarantee that the Bidder will uphold its Bid and, if determined to be the Awarded Bidder, will pay the Deposit required under the Purchase and Sale Contract to Miami-Dade County following the County's execution thereof.

**The Bid Bond must be submitted in its original form with wet signatures. Bidders who submit only a copy of a Bid Bond or an unexecuted form may be deemed non-responsive.**

Failure to furnish a Bid Bond in the proper form and amount, with the delivery of the Bid to the County, shall be cause for rejection of the Bid. For all Bidders other than the Awarded Bidder, the Bid Bond will be held by the County until the earlier of: (a) 180 days from the date of submittal of the Bid; or (b) 10 business days after the Awarded Bidder has been selected. For the Awarded Bidder, the Bid Bond will be held until the Deposit is timely paid to the County pursuant to the terms of the Contract for Sale and Purchase. If the Awarded Bidder withdraws, repudiates or otherwise indicates in writing that it will not meet a commitment(s) made in its Bid, or fails to timely deliver its Deposit, its Bid Bond will be forfeited to the County as liquidated damages to compensate the County for the delay and administrative services involved in obtaining the Awarded Bidder.

In addition, after the Awarded Bidder has been selected and the Solicitation has been awarded following approval of the Board of County Commissioners, within ten (10) days of the effective date of the Contract for Sale and Purchase, the Awarded Bidder agrees to make a deposit equal to ten percent (10%) of the Purchase Price per the terms of the Contract for Sale and Purchase.

#### **1.14 MODIFIED BIDS:**

A Bidder may submit a modified Bid to replace all or any portion of a previously submitted Bid up until the Bid Due Date. Only the latest version of the Bid will be considered. The modified Bid shall be clearly labeled in the envelope that the Bid is modified.

#### **1.15 WITHDRAWAL OF BIDS:**

Bids shall be irrevocable unless the Bid is withdrawn as provided herein. A Bid may be withdrawn in writing only, in company letterhead and signed by an authorized agent of the Bidder for it to be acceptable and addressed to and received by the Bid Officer and copy to the Clerk of the Board (**see Section 1.3**), prior to the Bid Due Date. After the Bid Opening, Bids may be withdrawn only if an award by the Board has not occurred within 180 days of Bid Opening, and Bidder has not filed a bid protest, except as noted in Section 1.37.

#### **1.16 LATE BIDS**

Bids received after the Bid Due Date are late and will not be considered.

#### **1.17 POSTPONEMENT/CANCELLATION:**

The County may, at its sole and absolute discretion, reject any and all Bids; re-advertise this Solicitation postpone or cancel, at any time, this Solicitation process; or waive any irregularities in this Solicitation or in the bids received as a result of this Solicitation.

#### **1.18 COSTS INCURRED BY BIDDERS:**

All expenses involved with the preparation and submission of Bids to the County, or any work performed in connection therewith, shall be borne by Bidders, and the County shall not be liable for those costs. No rights of ownership will be conferred until title of the Property is transferred to the Awarded Bidder.

#### **1.19 BUSINESS ENTITY REGISTRATION:**

It is the responsibility of the Bidder to update information concerning any changes, such as new address, telephone number, etc.

#### **1.20 ORAL PRESENTATIONS:**

The County does not anticipate that oral presentations will be required of Bidders.

### **1.21 LOBBYIST REGISTRATION AFFIDAVIT:**

Bidders are advised that in accordance with Section 2-11.1(s) of the Code of Miami-Dade County, lobbyists must register with the Clerk of the Board and include as part of the Bid Submission, a Lobbyist Registration Affidavit. Lobbyist means all persons, firms, entities, or corporations that are employed, designated, or retained by a principal, with or without compensation, or that contract with a third-party for economic consideration to perform lobbying activities on behalf of a principal. "Lobbyist" includes the principal that lobbies, as well as any employee that has been designated by the principal to perform lobbying activities on behalf of the principal. Lobbying includes trying to influence any County employee or elected official in the performance of their job.

### **1.22 LOBBYIST CONTINGENCY FEES:**

- (a) In accordance with Section 2-11.1 (s) of the Code, after May 16, 2003, no person may, in whole or in part, pay, give or agree to pay or give a contingency fee to another person. No person may, in whole or in part, receive or agree to receive a contingency fee.
- (b) A contingency fee is a fee, bonus, commission or non-monetary benefit as compensation which is dependent on or in any way contingent upon the passage, defeat, or modification of: 1) any ordinance, resolution, action or decision of the County Commission; 2) any action, decision or recommendation of the County Mayor or any County board or committee; or 3) any action, decision, or recommendation which foreseeably will be heard or reviewed by the County Commission or a County board or committee.

### **1.23 EXCEPTION TO THE BID:**

Bidders may not take exceptions to any of the terms and conditions of this Solicitation. Should a Bidder take any exceptions, the Bid may be deemed non-responsive.

### **1.24 METHOD OF AWARD:**

The Bid shall be awarded to the responsive, responsible Bidder that offers the highest Bid price to the County that meets or exceeds the Minimum Bid Amount. Responsibility is to be determined ultimately by the Board of County Commissioners, and is fundamentally an issue of business judgment and policy.

No Bid that is less than the Minimum Bid Amount shall be considered or accepted by the County.

### **1.25 SURVEY AND OTHER PROPERTY RECORDS:**

A boundary survey is included hereto as **Attachment 4**. This survey is being provided for informational purposes only. Bidders are encouraged to conduct their own due diligence prior to submitting a Bid. Interested parties are able to review all available property records, by appointment.

### **1.26 RULES, REGULATIONS AND LICENSING REQUIREMENTS:**

The Bidder shall comply with all laws, ordinances and regulations applicable, especially those applicable to conflict of interest and collusion. Bidders are presumed to be familiar with all Federal, State and local laws, ordinances, codes, rules and regulations that may in any way affect the bid, especially Executive Order No. 11246 entitled "Equal Employment Opportunity" and as amended by Executive Order No. 11375, as supplemented by the Department of Labor Regulations (41 CFR, Part 60), the Americans with Disabilities Act of 1990 and implementing regulations, the Rehabilitation Act of 1973, as amended,

Chapter 553 of Florida Statutes and any and all other local, State and Federal directives, ordinances, rules, orders, and laws relating to people with disabilities.

### **1.27 REVIEW OF BIDS FOR RESPONSIVENESS:**

The Bid will be reviewed to determine if the Bid is responsive to the submission requirements outlined in this Bid Solicitation. A Responsive Bid is one which follows the requirements of the Solicitation, includes all documentation, is submitted in the format outlined in the Solicitation, is of timely submission, and has the appropriate signatures as required. Failure to comply with these requirements may deem a bid non-responsive.

### **1.28 PUBLIC ENTITY CRIMES:**

Pursuant to Paragraph 2(a) of Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a Bid and may not be awarded a Bid in excess of the threshold amount provided in Section 287.017 for CATEGORY TWO (\$10,000) for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

### **1.29 ORDINANCES, RESOLUTIONS AND/OR ADMINISTRATIVE ORDERS:**

To request a copy of any ordinance, resolution and/or administrative order cited in this Bid, the Bidder must contact the **Clerk of the Board at (305) 375-5126**.

### **1.30 MIAMI-DADE COUNTY DISCLOSURE AFFIDAVITS:**

The Miami-Dade County Disclosure Affidavits are included in this Solicitation and must be completed and attached to every Bid.

### **1.31 CONFLICT OF INTEREST AND CODE OF ETHICS:**

No person included in the terms defined in 2-11.1(b) (1) through (6) and (9) of the Code of Miami-Dade County shall enter into any contract or transact any business in which he or a member of his immediate family has a financial interest, direct or indirect, with Miami Dade County. Any such contract, agreement or business engagement entered in violation of the Conflict of Interest and Code of Ethics Ordinance shall render the transaction voidable. Willful violation of this subsection shall constitute malfeasance in office and shall effect forfeiture of office or position.

County Ordinance No. 00-1, amending Section 2.11 (c) of the Code of Miami Dade County, provides a limited exclusion from the foregoing prohibition on transacting business with the County for employees and their immediate family. If you wish to participate in this bid, please read this Ordinance thoroughly to determine your status.

### **1.32 BID AMOUNTS:**

The Property will not be sold for less than the Minimum Bid Amount referenced in section 1.1. No Bid shall be submitted for portions of the Property or individual lots and any Bid for less than the entire Property will not be accepted. The County reserves the right to reject all Bids and re-advertise for new bids.



### 1.33 BID TERMS:

- **Bids must be received in the form specified in this Solicitation, and with the Bid Bond amount and date of expiration specified.**
- **All sales are AS-IS. The County makes no warranty, express or implied, as to quality, size, or description of the Property, or its fitness for any use or purpose.**
- **No financing terms or contingencies are offered or will be accepted by the County.**
- **The Awarded Bidder will execute a Contract for Sale and Purchase, in the form attached hereto, and shall submit same along with its Bid to the County.**
- **This Solicitation, the accepted Bid Award and the Contract for Sale and Purchase shall constitute the entire agreement between the parties. Once the Contract for Sale and Purchase has been executed by the County, it shall be the sole governing agreement between the parties.**
- **Bidders should investigate all facts relating to the Property, its condition, and its potential uses prior to submitting Bids, including the physical condition of the Property, applicable laws and regulations and all other matters of concern to Bidders.**

Conveyance to the Awarded Bidder shall be in the name submitted in the bid. Bids may not be assigned. The purchaser shall pay all documentary and surtaxes, and all recording fees.

### 1.34 REAL ESTATE BROKERS:

It is County policy not to employ or compensate real estate brokers. Bidders may employ and compensate brokers. Brokers may be considered Lobbyists, and should register per Section 1.20 if their activities try to influence County employees or elected officials.

### 1.35 TITLE:

A County Deed will be issued at closing. Pursuant to Florida Statute 154.411 all deeds of conveyance by the County or its Board of County Commissioners shall convey only the interest of the County and such Board in the property covered thereby, and shall not be deemed to warrant the title or to represent any state of facts concerning the same. A title search report is included hereto as **Attachment 5**. This title report is being provided for informational purposes only. **Potential Bidders are encouraged to conduct their own due diligence prior to submitting a bid.**

### 1.36 CLOSING:

Closing will be done by exchanging a County Deed for the balance of the Purchase Price remaining to be paid after deducting the amount already paid as the Deposit. The Closing shall take place in Miami-Dade County, at a location agreed to by the County and the Awarded Bidder. If the Awarded Bidder is obtaining mortgage financing, the County will cooperate with the intended mortgagee as to the timing and location of the Closing. However, the sale is **not subject** to the Awarded Bidder obtaining financing.

### **1.37 BID OPENING:**

Bids will be publicly opened immediately after the deadline for receipts of Bids in person at the Stephen P. Clark Government Center, 111 NW 1<sup>st</sup> St, 18<sup>th</sup> Floor, Room 18-1, Miami, Florida 33128 and via Zoom. To join the meeting via Zoom, please use the link below:

Join Zoom Meeting

<https://miamidade.zoom.us/j/89555828045?pwd=hty5WqHq3JTf44dxJZFrpUNtLQbPZa.1>

Meeting ID: 895 5582 8045

Passcode: 340386

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One tap mobile

+17866351003,,89555828045#,,,,\*340386# US (Miami)

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Dial by your location

• +1 786 635 1003 US (Miami)

Meeting ID: 895 5582 8045

Passcode: 340386

Find your local number: <https://miamidade.zoom.us/j/kcVyshQX12>

### **1.38 EVALUATION AND AWARD OF BIDS:**

Following the opening of the Bid packages, the Bids will be recorded and reviewed for compliance with the terms of the Solicitation. Any minor deviation from the terms of the Solicitation may be waived by the Internal Services Director or designee. The Responsive Bid with the highest remuneration to the County for the purchase of the Property, where the Bid meets or exceeds the Minimum Bid Amount, will be submitted to the County Mayor or County Mayor's Designee. The County Mayor or designee will issue a recommendation regarding this Solicitation. All Bidders will be notified in writing of the decision of the County Mayor or County Mayor's Designee with respect to this Solicitation. The award, if any, shall be made by the Board of County Commissioners to the Bidder who is responsible and whose Bid is the highest. Notwithstanding the rights of protest listed below, the Board of County Commissioner's' decision of whether to make the award and to which Bidder shall be final.

### **1.39 BID PROTEST:**

A recommendation for Contract award or rejection of award may be protested by a Bidder in accordance with the procedures contained in Sections 2-8.3 and 2-8.4 of the Code of Miami-Dade County, as amended, and as established in Implementing Order No. 3-21.

A. A written intent to protest shall be filed with the Clerk of the Board and emailed to all participants in the competitive process within three County workdays of the filing of the County Mayor's recommendation.

This three-day period begins on the County workday after the filing of the County Mayor’s or designee’s recommendation. Such written intent to protest shall state the grounds on which it is based and shall be accompanied by a filing fee as detailed below.

B. The written intent to protest shall be accompanied by a non-refundable filing fee (the Filing Fee), payable to the Clerk of the Board, in accordance with the schedule provided below:

<u>Award Amount</u>	<u>Filing Fee</u>
\$25,000-\$250,000	\$500
\$250,001-\$500,000	\$1,000
\$500,001-\$5 million	\$3,000
Over \$5 million	\$5,000

THE FOLLOWING PARAGRAPH, IN ITS ENTIRETY, SHALL NOT APPLY TO FEDERALLY FUNDED PURCHASESES:

*“The Filing Fee for a certified Small Business Enterprise (SBE) firm shall be fifty percent (50%) of the listed Filing Fee above, for such contracts set-aside for bidding solely by SBEs. To be entitled to the reduced Filing Fee, the SBE must be certified with the Division of Small Business Development or successor division or department, at the time of filing of the Bid protest”.*

The protester shall then file all pertinent documents and supporting evidence with the Clerk of the Board and mail copies to all participants in the competitive process and to the County Attorney within three County workdays after the filing of a written intent to protest.

C. For award recommendations greater than \$250,000 the following shall apply: The County’s recommendation to award or reject will be immediately communicated (via email) to all participants in the competitive process and filed with the Clerk of the Board.

D. For award recommendations from \$25,000 to \$250,000 the following shall apply: Participants may view recommendations to award on the SPD website: <https://www.miamidade.gov/DPMww/AwardRecommendations.aspx> or call the contact person as identified on the cover page of the Solicitation.

**1.40 TIE BREAKER:**

In accordance with Resolution R-1574-88, the Strategic Procurement Department Director or their authorized designee will decide all Tie Bids