

Gainesville.

Citizen centered

People empowered

Issue Date: February 4, 2019

Due Date: March 7, 2019 @ 4:00 p.m. Local Time

REQUEST FOR PROPOSALS

FOR

**SUPPLEMENTAL COLD NIGHT
SHELTER & SERVICES
FISCAL YEAR 2019 – 2020
RFP#: 1920CNS-HCD**

**City of Gainesville
Neighborhood Improvement Department
Housing & Community Development Division
P. O. Box 490, MS #22—Gainesville, FL 32627-0490
306 NE 6th Avenue, Thomas Center “B”, Room 245
Gainesville, Florida 32601
Phone: 352-393-8565
Fax: 352-334-3166
Email: wachteljs@cityofgainesville.org**

TABLE OF CONTENTS

Section I - Request for Proposal Overview and Proposal Procedures

Section II - Scope of Services

Section III - Proposal Format

Section IV - Evaluation Criteria and Procedures

Section V - General Provisions

Section VI - Certifications

**CITY OF GAINESVILLE
REQUEST FOR PROPOSALS (RFP)
FOR
SUPPLEMENTAL COLD NIGHT SHELTER & SERVICES FOR FY 2019 - 2020**

***SECTION I
REQUEST FOR PROPOSALS OVERVIEW &
PROPOSAL PROCEDURES***

A. INTRODUCTION/BACKGROUND

In response to concerns about the number of unsheltered homeless persons living in the Gainesville area, the City of Gainesville (hereinafter “City”) is requesting proposals from qualified providers of temporary emergency indoor shelter and supportive services for homeless persons during the upcoming cold weather months (November 2019 – March 2020). The City shall give priority to homeless families with children (age 18 years and under) and/or homeless youth (age 18 years and under).

Based on the results of the 2018 point-in-time survey conducted by the North Central Florida Alliance for the Homeless and Hungry (NCFAHH), an estimated 805 adults in Alachua County are considered “unsheltered”, i.e., not living indoors or in a place that is intended for human habitation. The City will use the responses to this RFP to partially reduce the identified shelter gap, specifically during the upcoming cold weather months.

The City anticipates allocating \$25,000 in CDBG Program Funding to support temporary shelter and other support services for homeless persons, during periods of cold weather or other emergencies caused by extraordinary circumstances that threaten the physical health and/or welfare of homeless persons. Funding for this program will be awarded to a qualified applicant who provides the most effective use of funds to provide temporary emergency indoor shelter and supportive services for homeless families with children and/or homeless youth, during the cold weather months (November 2019 – March 2020)*.

*Note: Term of program period is subject to change based on weather conditions as approved by the City of Gainesville.

B. FUNDING PROCESS TIMELINE

The anticipated schedule for the funding process and contract approval is as follows:

RFP available	February 4, 2019
Workshop for applicants (optional)	February 12, 2019
Proposal Due Date	March 7, 2019 (4:00 p.m. - local time)
Oral Presentations (if necessary)/Evaluation/Selection Process	April/May 2019 (TBD)
City Commission Funding Approval	June/July 2019 (TBD)
Projected contract start date	November 1, 2019*

**(Contingent upon weather conditions; contract may start at an earlier date, as determined by the City.)*

C. PROPOSAL SUBMISSION

The complete proposal must be submitted by **March 7, 2019 at 4:00 p.m. local time.**

Any proposal received after 4:00 p.m. (local time), March 7, 2019 will not be considered.

The City will consider the submittal of a proposal by a proposer as constituting an offer by the proposer to perform the required services at the stated fees.

D. CITY OF GAINESVILLE CONTACT PERSON

The City contact person for this RFP is John Wachtel (wachteljs@cityofgainesville.org) in the Housing and Community Development Division. Any questions and/or explanations desired by proposers regarding the meaning or interpretation of this RFP must be requested from the contact person, in writing, as is further described below.

To ensure fair consideration and consistent and accurate dissemination of information for all proposers, the City prohibits communication to or with any department, employee, or agent evaluating or considering the proposals during the submission process, except as authorized by the contact person.

During the blackout period (defined herein), no person may lobby (defined herein) City officials or employees (except the designated staff contact in the Neighborhood Improvement Department) on behalf of a competing party in a particular procurement process, except as pursuant to an authorized appeal. Violation of this provision shall result in disqualification of the party on whose behalf the lobbying occurred.

The blackout period means the period between the time the submittals for invitation for bid or the request for proposal, or qualifications, or information, or the invitation to negotiate, as applicable, are received by the City of Gainesville Housing and Community Development Division and the time City officials and employees award the contract. Lobbying means when any natural person, for compensation, seeks to influence the governmental decision-making, to encourage the passage, defeat or modification of any proposal, recommendation or decision by City officials and employees, except as authorized by procurement documents.

E. LATE PROPOSALS, LATE MODIFICATIONS AND LATE WITHDRAWALS

Proposals received after the Proposal Due Date and time are late and will not be considered. Modifications received after the Proposal Due Date are also late and will not be considered. Letters of withdrawal received after the Proposal Due Date or after contract award, whichever is applicable, are late and will not be considered.

F. RFP POSTPONEMENT/CANCELLATION/WAIVER OF IRREGULARITIES

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

G. COSTS INCURRED BY PROPOSERS

All expenses involved with the preparation and submission of proposals to the City, or any work performed in connection therewith shall be borne by the proposer(s). No payment will be made for any responses received, nor for any other effort required of or made by the proposer(s) prior to commencement of work as defined by a contract approved by the City Commission.

H. ORAL PRESENTATION

The City may require proposers to give oral presentations in support of their proposals or to exhibit or otherwise demonstrate the information contained therein. The oral presentation may be facilitated by the City's Affordable Housing Advisory Committee (AHAC). The City's AHAC or a staff committee, will review the proposals, hear presentations by the proposers and make funding recommendations to the City Commission.

I. EXCEPTION TO THE RFP

Proposers may take exceptions to any of the terms of this RFP unless the RFP specifically states where exceptions may not be taken. Should a proposer take exception where none is permitted, the proposal will be rejected as non-responsive. All exceptions taken must be specific, and the Proposer must indicate clearly what alternative is being offered to allow the City a meaningful opportunity to evaluate and rank proposals.

Where exceptions are permitted, the City shall determine the acceptability of the proposed exceptions and the proposals will be evaluated based on the proposals as submitted. The City, after completing evaluations, may accept or reject the exceptions. Where exceptions are rejected, the City may request that the Proposer furnish the services or goods described herein, or negotiate an acceptable alternative.

J. PROPRIETARY INFORMATION

Responses to this Request for Proposals, upon receipt by the City, become public records subject to the provisions of Chapter 119 F.S., Florida's Public Records Law. If you believe that any portion of your response is exempt, you should clearly identify the specific documents for which confidentiality is claimed, and provide specific legal authority of the asserted exemption. It is also strongly recommended that those specific materials that you assert qualify for exemption from Chapter 119 be submitted in a separate envelope and clearly identified as "TRADE SECRETS EXCEPTION," with your firm's name and the proposal number marked on the outside. Please also note that details of proposals, including alleged trade secrets, with the exception of a company's financial statements, may be disclosed at a public meeting.

In the event the City determines that any materials claimed to be exempt as trade secrets do not qualify as such, the proposer will be contacted and will have the opportunity to rescind their proposal or waive their claim to confidentiality. Please be aware that the designation of an item as a trade secret by you, and the refusal to disclose any materials submitted to the City, may be challenged in court by any person. By your designation of material in your proposal as a "trade secret" you agree to hold harmless the City for any award to a plaintiff for damages, costs or attorneys' fees and for costs and attorneys' fees incurred by the City by reason of any legal action challenging your claim, and the City refusal to disclose.

K. QUALIFICATIONS OF PROPOSERS

As a part of the Proposal evaluation process, City may conduct a background investigation of proposer, including a record check by the Gainesville Police Department. Proposer's submission of a Proposal constitutes acknowledgment of the process and consent to such investigation.

No proposal shall be accepted from, nor will any contract be awarded to, any proposer who is in arrears to City upon any debt, fee, tax or contract, or who is a defaulter, as surety or otherwise, upon any obligation to City, or who is otherwise determined to be irresponsible or unreliable by City.

If Proposer is determined to be irresponsible or unreliable, the City will notify Proposer of its finding, including evidence used, and allow proposer an informal hearing and the opportunity to come into compliance within three business days of notification.

L. NEGOTIATIONS

The City may award a contract on the basis of initial offers received, without discussions. Therefore, each initial offer should contain the proposer’s best terms from a cost or price and technical standpoint. The City reserves the right to enter into contract negotiations with the selected proposer. If the City and the selected proposer cannot negotiate a successful contract, the City may terminate said negotiations and begin negotiations with the next selected proposer. This process will continue until a contract has been executed or all proposers have been rejected. No proposer shall have any rights against the City arising from such negotiations.

M. RIGHTS OF APPEAL

Participants in this RFP solicitation may protest RFP specifications or award in accordance with Section 41-580 of the City of Gainesville’s Financial Procedures Manual.

N. RULES; REGULATIONS; LICENSING REQUIREMENT

The proposer shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, including those applicable to conflict of interest and collusion. Proposers are presumed to be familiar with all Federal, State and local laws, ordinances, codes and regulations that may in any way affect the services offered.

O. REVIEW OF PROPOSALS

Each proposal will be reviewed to determine if the proposal is responsive to the submission requirements outlined in the RFP. A responsive proposal is one which follows the requirements of the RFP, includes all required documentation, is submitted in the format outlined in the RFP, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may deem your proposal non-responsive.

P. LOCAL SMALL BUSINESS PARTICIPATION

It is the policy of the City of Gainesville that qualified local small business (SBEs) as defined in the City of Gainesville’s Local Small Business Procurement Program (the “Program”) shall have the maximum practical opportunity to participate in the competitive process of supplying commodities and services to the City. Notification is hereby given that local small businesses are strongly encouraged to submit a bid in response to any procurement opportunity let by the City of Gainesville. Prime contractors are strongly encouraged to utilize qualified local small business subcontractors and material suppliers.

Any individual or entity that engages in fraud, misrepresentation, or other wrongful conduct, whether by act or omission, related to its participation in or eligibility to participate in the Program or in the performance of its SBE obligations under a City contract, shall be in violation of the Program. This determination shall be solely at the discretion of the City. Violators of the Program may be subject to, on an individual and/ or entity basis, the debarment or suspension from participating in the City’s contracts in accordance with the City of Gainesville’s Debarment and Suspension Policy.

Q. LIVING WAGE

- This contract is a covered service. (See Living Wage Decision Tree - Exhibit C attached hereto)
- This contract is **not** a covered service.

The Living Wage ordinance, Ordinance 020663, as amended at Ordinance 030168, and as shown on the City’s web page, applies to certain contracts for specific “Covered Services,” which the City has determined may include services purchased under this Contract, depending upon the cost/

price of the contract awarded. A copy of the ordinance, as amended, will be attached to and made a part of the executed contract. Bidders/Proposers should consider the effect/cost of compliance, if any, with the requirements of the Living Wage Ordinance if the services purchased are "Covered Services," the prime contract amount exceeds the threshold amount, the bidder/proposer meets the definition of Service Contractor/Subcontractor (and is not otherwise excluded from the application of the ordinance) and the ordinance provisions, which are incorporated herein, apply to any Covered Employees.

If applicable, the adjusted Living Wage for this contract will be \$_____ per hour (Living Wage with Health Benefits) or \$_____ per hour if Health Benefits are not offered.

If applicable, a successful Service Contractor/Subcontractor shall be required to execute the certification, attached as Exhibit LWC hereto, prior to the City executing the contract. Once executed, such certification will become part of the contract; however, failure to sign such certification will prevent execution of the contract, may result in forfeiture of any applicable bid or proposal bond, and could result in other adverse action.

During the performance of this contract, the Contractor agrees as follows:

- (1) The Contractor shall comply with the provisions of the City of Gainesville's living wage requirements, as applicable. Failure to do so shall be deemed a breach of contract and shall authorize the City to withhold payment of funds until the living wage requirements have been met.
- (2) The Contractor will include the provision of (1) above in each subcontract for Covered Services with a Service Contractor/Subcontractor, as defined herein, so that the provisions of (1) above will be binding upon each such Service Contractor/Subcontractor. The Contractor will take such action with respect to any such subcontract as may be directed by the contract administrator as a means of enforcing such provisions; provided, however, the City shall not be deemed a necessary or indispensable party in any litigation between the contractor and a subcontractor concerning compliance with living wage requirements.

R. LOCAL PREFERENCE

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the purchasing policies, the city commission, or other purchasing authority, may give a preference to local businesses in making such purchase or awarding such contract in an amount not to exceed five percent of the local business' total bid price, and in any event the cost differential should not exceed \$50,000.00. Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased and awarded by the City Commission or other authority. In the case of requests for proposals, letter of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses. Local Businesses are assigned five (5) percent of the total points of the total evaluation points. If Local Preference is requested by the proposer, the attached Exhibit B must be submitted with the proposal.

Local business means the vendor has a valid business tax receipt, issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the vendor operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, in the Bid or RFP evaluation, the vendor must provide a copy of the business tax receipt and Zoning Compliance Permit. (See Attach Codified document - Exhibit A.)

S. RECORDS / AUDIT

Contractor shall maintain records sufficient to document their completion of the scope of services established by this Contract. These records shall be subject at all reasonable time to review, inspect, copy and audit by persons duly authorized by the City. These records shall be kept for a minimum of three (3) years after completion of the Contract. Records that relate to any litigation, appeals or settlements of claims arising from performance under this Order shall be made available until a final disposition has been made of such litigation, appeals, or claims.

**T. INVESTIGATION OF ALLEGED WRONGDOINGS, LITIGATION/
SETTLEMENTS/FINES/PENALTIES**

The City Commission specifically requests that responders to this document indicate in writing any investigations of wrongdoings, litigation and/or settlements, and fines or penalties (anywhere in the U.S) involving the Contractor and specific Contractors listed as projected to provide services to the City. You may be required to respond to questions on this subject matter.

U. HOMELESSNESS MANAGEMENT INFORMATION SYSTEM (HMIS)

All agencies receiving Cold Night Shelter funds must participate in the Homeless Mangement Information System (HMIS) hosted by the NCFAHH. Domestic Violence Agencies are exempt from this requirement.

The HMIS serves as the central database for collecting and updating data regarding the homeless and those at risk of homelessness, and their needs. In order to gain and maintain eligibility for reimbursement, Agencies must execute the required partner and user agreements with the NCFAHH, and must participate in the data sharing of the HMIS on an ongoing basis throughout the term of their Cold Night Shelter Agreement. HMIS contains provisions that protect client confidentiality, yet still report statistical data. Agencies must demonstrate compliance with this requirement prior to executing the Cold Night Shelter Agreement.

Additionally, to receive Cold Night Shelter funding, an agency must be a member of the NCFAHH and actively participating in Continuum of Care meetings.

SECTION II

SCOPE OF SERVICES

A. INTENT

The City intends to obtain proposals for Supplemental Cold Night Shelter and Services for homeless persons, giving priority to homeless families with children and/or homeless youth.

The City will provide funds to support additional shelter for homeless persons on a short-term basis (5 months maximum) with emphasis on immediate cold weather needs. The City intends to obtain proposals from qualified providers who would provide shelter for, or house, additional homeless persons—above the provider’s normally permitted capacity, as allowed by applicable City Codes.

All proposals shall be in strict compliance with all applicable sections of the City of Gainesville Code of Ordinances, including the following Sections (See Exhibit E):

- Section 30-2.1. Definitions;
- Section 30-5.12. Food Distribution Centers for the Needy;
- Section 30-5.21. Places of Religious Assembly;
- Section 30-5.22. Residences for Destitute People; and
- Section 30-5.31. Generally.

Additionally, all proposals shall comply with the City Manager’s Administrative Procedure regarding the cold night temperature threshold (45° Fahrenheit) at which normally permitted occupancy limits can be exceeded for limited time periods.

No proposal shall be accepted from, nor any contract be awarded to, any proposer that is a nonprofit entity that has not maintained its current corporate status with the Florida Department of State, Division of Corporations.

B. MINIMUM REQUIREMENTS

The prospective provider shall, at a minimum, provide indoor shelter with adequate sleeping space that is secure from the elements and with access to on-site bathroom facilities. Each proposal submitted shall state the following:

- A general description of the program, how it works and how it benefits its clients and the community.
- A description of the experience of the provider and a listing of key personnel and volunteers who will provide the shelter/housing and services, including additional personnel who may need to be hired or volunteers who may need to be recruited in order to provide the shelter/housing and services.
- A description of the type of on-site shelter/housing and sleeping arrangements to be provided, including sanitary facilities and the provider’s plans for maintaining clean and sanitary premises.
- The location of the shelter or housing to be provided.
- A description of how impacts on the surrounding area or properties will be minimized, including measures to be taken to ensure the safety and security of the shelter/housing occupants, as well as residents of the surrounding area or properties.
- The number and description of homeless persons (single men or women, families with children, etc.) to be sheltered or housed in addition to those already sheltered or housed by the provider.
- The length of time the provider expects to provide the additional shelter or housing.
- The cost to provide the additional shelter or housing.
- A description of additional resources (cash or in-kind) that will be leveraged from the provider or other sources.
- A description of other services that will be provided to those who are sheltered or housed, including services to be provided by other organizations.

SECTION III PROPOSAL FORMAT

Applicant organizations must submit one (1) original paper application packet, three (3) paper copies, and one (1) digital copy (PDF Format) on a USB Drive. The original application packet must be printed single sided, on letter size (8.5 inches by 11 inches) paper. The copies must be two sided, on letter size (8.5 inches by 11 inches) paper.

All application packets must contain the following information or documents:

1. The name and physical address of the organization;
2. The organization's website address, if applicable;
3. The name of the organization's Executive Director;
4. The name and title of the organization's Primary Contact Person for this program;
5. The Primary Contact Person's complete mailing address (including ZIP Code), telephone number, and email address;
6. The names of the members of the organization's Board of Directors;
7. The organization's Articles of Incorporation;
8. The organization's By-Laws;
9. The organization's most recent 501C3 letter from the Internal Revenue Service;
10. The organization's Mission Statement, if applicable;
11. The organization's current fiscal year operating budget; and
12. The organization's Zoning Compliance Permit or other applicable zoning approval.

SECTION IV
EVALUATION CRITERIA AND PROCEDURES

A. EVALUATION CRITERIA

Proposal evaluation involves an assessment of both the quality of the proposals and the ability of the proposers to fulfill the requirements of the RFP. The successful proposer will be the one evaluated most favorably by the evaluation.

The proposals will be evaluated to ensure that all material requirements of the Request for Proposals are met. Those proposals determined to be responsive will be further evaluated based on the following:

<u>Factor</u>	<u>Maximum Points</u>
1. Organizational capacity and experience of provider	20
2. Degree of collaboration with other local organizations	15
3. Number of additional persons sheltered or housed	10
4. Cost per person sheltered or housed	15
5. Other funds or in-kind leveraged	15
6. Array of services to be provided	15
7. <u>Oral Presentation, if required</u>	<u>10</u>
Total	100

B. SELECTION PROCESS

The contractor(s) will be selected from the qualified vendors submitting responses to this Request for Proposals. The selection process will be as follows:

1. An evaluation committee consisting of either City Staff or the City's Affordable Housing Advisory Committee (AHAC) will review the written proposals. The evaluation process provides a structured means for consideration of all proposals.
2. Upon review and evaluation, the City may request oral presentations from the top ranked vendors. During the oral presentations, the vendors shall further detail their qualifications, approach to the project and ability to furnish the required services. These presentations shall be made at no cost to the City.
3. Prior to final ranking of firms, the apparent top-ranked vendors will be required to furnish proof to the City that they comply with the specifications.
4. The final ranking of firms will be based upon the written proposals and, if preferred by the committee, oral presentations. If required, the final ranking of firms will be presented to the City Commission. Based on the proposals, and consistent with the rankings, the evaluation committee may recommend splitting or dividing the available funds among more than one firm.
5. Based on the evaluation committee's funding and ranking recommendations, the City will negotiate a contract or contracts with the top ranked proposer or proposers for the provision of Supplemental Cold Night Shelter and Services. Should the City be unable to negotiate a satisfactory contract with the top ranked vendor, negotiations will be terminated with that proposer and negotiations will be initiated with the second most qualified proposer, and so on until a satisfactory contract is negotiated.

SECTION V GENERAL PROVISIONS

A. CONTRACT AWARD

The award(s), if any, shall be made to the proposer(s) whose proposal(s) shall be deemed by the City to be in the best interest of the City. The decision of the City of whether to make the award(s) and which proposal is in the best interest of the City shall be final.

The Contract to be entered into with the successful proposer will designate the successful proposer as the City's Contractor and will include, but not be limited to, the following terms and conditions.

B. GENERAL TERMS AND CONDITIONS

Following are the General Terms and Conditions, supplemental to those stated elsewhere in the Request for Proposals, to which the Vendor must comply to be consistent with the requirements for this Request for Proposals. Any deviation from these or any other stated requirements should be listed as exceptions in a separate appendix of the proposal.

1. Public Entity Crimes. Section 287.133 (2)(a), Florida Statutes, contains the following provisions: "A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity, in excess of the threshold amount provided in Section 287.017, for CATEGORY TWO for a period of 36 months from the date of being placed on the convicted vendor list."
2. Tie Bids. Whenever two or more bids which are equal with respect to price, quality and service are received, preference shall be given in the following order: (1) Bidders submitting the attached Drug-Free Workplace form with their bid/proposal certifying they have a drug free workplace in accordance with Section 287.087, Florida Statutes; (2) Bidders located within the City of Gainesville, if not subject to the Local Preference Ordinance; (3) Bidders located within Alachua County; and (4) Bidders located within the State of Florida. In the case where Federal funds are being utilized, Articles 2, 3 and 4 will not apply.
3. Drug-Free Workplace. Preference shall be given to submitters providing a certification with their qualifications certifying they have a drug-free workplace whenever two or more bids which are equal with respect to price, quality, and service are received in accordance with Section 287.087, Florida Statutes. The attached form should be filled out and returned with the qualifications in order to qualify for this preference.
4. Indemnification. The Contractor shall agree to indemnify and save harmless the City, its officers, agents, and employees, from and against any and all liability, claims, demands, fines, fees, expenses, penalties, suits, proceedings, actions and costs of action, including attorney's fees for trial and on appeal, of any kind and nature arising or growing out of or in any way connected with the performance of the contract whether by act or omission or negligence of the Contractor, its agents, servants, employees or others, or because of or due to the mere existence of the Contract between the parties.

5. Insurance. Contractor shall provide proof of insurance in an amount as noted below:

Worker's Compensation Insurance (if required by law).

Public Liability Insurance (other than automobile) consisting of broad form comprehensive general liability insurance including contractual coverage \$1,000,000 per occurrence (combined single limit for bodily injury and property damage).

The City shall be an additional insured on such Public Liability Insurance and the Contractor shall provide copies of endorsements naming the City as additional insured.

Automobile Liability Insurance

Property Damage \$500,000 per occurrence (combined single limit for bodily injury and property damage).

The Contractor shall furnish the City a certificate of insurance in a form acceptable to the City for the insurance required. Such certificate or an endorsement provided by the Contractor must state that the City will be given thirty (30) days written notice (except the City will accept ten (10) days written notice for non-payment) prior to cancellation or material change in coverage.

6. Sovereign Immunity. Nothing in the executed contract shall be interpreted that the City waives its sovereign immunity granted under Section 768.28, Florida Statutes.
7. Term. The term of the contract will commence on November 1, 2019 and shall continue through March 31, 2020. *Note: The term of the program period is subject to change based on weather conditions as approved by the City of Gainesville.
8. Termination. The contract will provide termination by either party without cause upon 30 days prior written notice to the other party. In the event of termination, the Contractor will be compensated for services rendered up to and including the day of termination.
9. Applicable Law. The contract and the legal relations between the parties hereto shall be governed and construed in accordance with the laws of the State of Florida. Venue in the courts of Alachua County, Florida.
10. Joint Bidding/Cooperative Purchasing Agreement: All bidders submitting a response to this invitation to bid agree that such response also constitutes a bid to all State Agencies and Political Subdivisions of the State of Florida under the same terms and conditions, for the same prices and the same effective period as this bid, should the bidder deem it in the best interest of its business to do so. This agreement in no way restricts or interferes with any State Agency or Political Subdivision of the State of Florida to rebid any or all items.

SECTION VI

CERTIFICATIONS AND EXHIBITS (*Attached*)

DRUG FREE WORKPLACE FORM

The undersigned vendor in accordance with Florida Statute 287.087 hereby certifies that

_____ does:
(Name of Business)

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employees that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty of nolo contendere to, any violation of Chapter 893, Florida Statutes, or of any controlled substance law of the United State or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Bidder's Signature

Date

DEBARRED AND SUSPENDED BIDDERS:
Breach of Contract

1. Scope.

This policy prescribes policies and procedures relating to:

- (a) the debarment of bidders for cause;
- (b) the suspension of bidders for cause under prescribed conditions;
and,
- (c) the rejection of bids, revocation of acceptance and termination of contracts for cause.

It is directly applicable to the advertised and negotiated purchases and contracts, for equipment and services of the City.

2. General.

Debarment and suspension are measures which may be invoked by the City either to exclude or to disqualify bidders and contractors from participation in City contracting or subcontracting. These measure should be used for the purpose of protecting the interests of the City and not for punishment. To assure the City the benefits to be derived from the full and free competition of interested bidders, these measures should not be instituted for any time longer than deemed necessary to protect the interests of the City, and should preclude awards only for the probably duration of the period of non-responsibility.

2.1 Definitions.

- (a) "Debarment" means, in general, an exclusion from City contracting and subcontracting for a reasonable, specified period of time commensurate with the seriousness of the offense, improper conduct or the inadequacy of performance.
- (b) "Suspension" means a disqualification from City contracting and subcontracting for a temporary period of time because a concern or individual is suspected upon adequate evidence (See Section 6) of engaging in criminal, fraudulent, improper conduct or inadequate performance.
- (c) A "debarment list" or "debarred bidders list" means a list of names of concerns or individuals against whom any or all of the measures referred to in this policy have been invoked.
- (d) "Bidders" means, wherever the term is used in this policy, an offerors bidding pursuant to an invitation for bids or a request for proposals.
- (e) "Affiliates" means business concerns which are affiliates of each other when either directly or indirectly one concern or individual controls or has the power to control another, or when a third party controls or has the power to control both.
- (f) "Business operations" means commercial or industrial activity engaged in regularly and continuously over a period of time for the purpose of receiving pecuniary benefit or otherwise accomplishing an objective. "Business operations" constitute and are equivalent to "carrying on business", "engaged in business", "doing business".

3. Establishment and Maintenance of a List of Concerns or Individuals Debarred or Suspended.

- (a) The Purchasing Department shall establish and maintain on the basis contained in Sections 6 and 6.1, a consolidated list of concerns and individuals to whom contracts will not be awarded and from whom bids or proposals will not be solicited.
- (b) The list shall show as a minimum the following information:
 - (1) the names of those concerns or individuals debarred or suspended (in alphabetical order) with appropriate cross-reference where more than one name is involved in a single action;
 - (2) the basis of authority for each action;
 - (3) the extent of restrictions imposed; and,
 - (4) the termination date for each debarred or suspended listing.
- (c) The list shall be kept current by issuance of notices of additions and deletions.

4. Treatment to be Accorded Firms or Individuals Debarred or Suspended

Firms or individuals listed by the Purchasing Department as debarred or suspended shall be treated as follows.

- (a) Total restrictions. A contract shall not be awarded to a concern or individual that is listed on the basis of a Section 5(a)(1), (2) or (3) felony "conviction", or to any concern, corporation, partnership, or association in which the listed concern or individual has actual control or a material interest; nor shall bids or proposals be solicited therefrom. However, when it is determined essential in the public interest by the City Commission, an exception may be made with respect to a particular procurement action where the individual or concern is effectively the sole source of supply or it is an emergency purchase.
- (b) Restrictions on subcontracting. If a concern or individual listed on the debarred and suspended bidders list is proposed as a subcontractor, the Purchasing Department shall decline to approve subcontracting with that firm or individual in any instance in which consent is required of the City before the subcontract is made, unless it is determined by the City to grant approval City Commission essential to public interest and the individual or concern is effectively the sole source of supply or it is an emergency purchase.

5. Causes and Conditions Applicable to Determination of Debarment.

Subject to the following conditions, the Department of Management and Financial Services is authorized to debar a firm or individual in the public interest for any of the following causes occurring with ten (10) years of debarment.

(a) Causes

- (1) "Conviction" for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract, or subcontract thereunder, or in the performance of such contract or subcontract.
- (2) "Convictions" of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification or destruction of records, perjury, or receiving stolen property where the conviction is based upon conduct which arose out of, or was related to, business operations of the bidder.
- (3) "Conviction" for bid-rigging activities arising out of the submission of bids or proposals.
- (4) Violation of contract provisions, as set forth below, of a character which is regarded by the City to be so serious as to justify debarment action:
 - (i) willful failure to perform in accordance with the specifications or within the time limit provided in the contract;
 - (ii) a record of failure to perform or of unsatisfactory performance in accordance with the terms of one or more contracts. Failure to perform or unsatisfactory performance caused by acts beyond the control of the firm or individual as a contractor shall not be considered to be a basis for debarment.
- (5) Debarment by some other governmental agency.

(b) Conditions.

- (1) Debarment for any of the causes set forth in this section shall be made only upon approval of the Department of Management and Financial Services.
- (2) The existence of any of the causes set forth in (a) of this section does not necessarily require that a firm or individual be debarred except as provided in 4(a). In each instance, whether the offense or failure, or inadequacy of performance, be of criminal, fraudulent, or serious nature, the decision to debar shall only be made if supported by a preponderance of the credible evidence available. Likewise, all mitigating factors may be considered in determining the seriousness of the offense, failure, or inadequacy of performance, in deciding whether debarment is warranted. The actual or apparent authority of an involved individual, the present relationship of involved individuals with the bidder, the past performance of the individual or concern, and the relationship of the violation to the services or materials involved shall be considered.
- (3) The existence of a cause set forth in (a)(1), (2), and (3) of this section shall be established by criminal "conviction" by a court of competent jurisdiction. In the event that an appeal taken from such conviction results in reversal of the "conviction", the debarment shall be

removed upon the request of the bidder (unless other causes for debarment exists). for the purposes of this policy, the following shall have the same effect as a "conviction": pleading guilty or nolo contendere, or being found guilty by a jury or court of, the offense in question, regardless of whether probation is imposed and adjudication withheld.

- (4) The existence of a cause set forth in (a)(4) and (5) of this section shall be established by a preponderance of credible evidence by the Department of Management and Financial Services.
- (5) Debarment for the cause set forth in (a)(5) of this section (debarment by another agency) shall be proper if one of the causes for debarment set forth in (a)(1) through (4) of this section was the basis for debarment by the original debarring agency. Such debarment may be based entirely on the record of facts obtained by the original debarring agency, or upon a combination of such facts and additional facts.

5.1 Period of Debarment.

- (a) Debarment of a firm or individual shall be for a reasonable, definitely stated period of time commensurate with the seriousness of the offense or the failure or inadequacy or performance. As a general rule, a period of debarment shall not exceed five (5) years. However, when partial or total debarment for an additional period is deemed necessary, notice of the proposed additional debarment shall be furnished to that concern or individual in accordance with Section 8.
- (b) A debarment may be removed or the period thereof may be reduced by the City Manager upon the submission of an application supported by documentary evidence, setting forth appropriate grounds for the granting of relief; such as newly discovered material evidence, reversal of a conviction, bona fide change of ownership or management, or the elimination of the causes for which the debarment was imposed. The City Manager may request additional information, shall consider all relevant facts, and shall render a decision within twenty (20) days of receipt of the application unless a longer period is warranted under the circumstances.

6. Suspension of Bidders.

- (a) Suspension is a drastic action and, as such, shall not be based upon an unsupported accusation. In assessing whether evidence exists for invoking a suspension, consideration should be given to the amount of credible evidence which is available, to the existence or absence of corroboration as to important allegations, as well as to the inferences which may properly be drawn from the existence or absence of affirmative facts. This assessment should include an examination of basic documents, such as contracts, inspection reports, and correspondence. In making a determination to suspend, the Department of Management and Financial Services shall consider the factors set forth in Section 5(b)(2). A suspension may be modified by the City Manager as described in Section 5.1(b).

6.1 Causes and Conditions Under Which the City May Suspend Contractors

- (a) The Department of Management and Financial Services may, in the interest of the City, suspend a firm or individual when the firm or individual is suspected, upon credible evidence, of having committed one or more the following act(s) within three (3) years of the date of suspension:

- (1) Commission of fraud or a criminal offense as an incident to obtaining, attempting to obtain, or in the performance of a public contract;
- (2) Violation of statutes concerning bid-rigging activities out of the submission of bids and proposals; and,
- (3) Commission of embezzlement, theft, forgery, issuance of worthless checks, bribery, falsification, or destruction of records, perjury, receiving stolen property. Commission of any other offense indicating a lack of business integrity or business honesty which seriously and directly affects the question of present responsibility as a City contractor.

6.2 Period of Suspension.

- (a) All suspension shall be for temporary period pending the completion of an investigation and such legal proceedings as may ensue. In the event that prosecution has not been initiated within twelve (12) months from the date of the suspension, the suspension shall be terminated. Upon removal of suspension, consideration may be given to debarment in accordance with Section 5 of this policy.

7. Scope of Debarment or Suspension.

- (a) A debarment or suspension may include all known affiliates of a concern or individual.
- (b) Each decision to include a known affiliate within the scope of a proposed debarment or suspension is to be made on a case-by-case basis, after giving due regard to actual or apparent authority of the controlling concern or individual and similarity of the services provided by the affiliate to those provided by the debarred individual or concern.
- (c) The criminal, fraudulent, or seriously improper conduct of an individual may be imputed to the business concern with which he is connected, where such impropriety was accomplished within the course of his official duty or apparent authority, or was effected by him with the knowledge and approval of that concern. When the individual was an officer of the concern, knowledge and approval may be presumed. Likewise, where a concern is involved in criminal, fraudulent, or seriously improper conduct, any individual who was involved in the commission of the impropriety may be debarred or suspended.

8. Notice of Debarment of Suspension.

When the Department of Management and Financial Services seeks to debar or suspend a concern or individual (or any affiliate thereof) for cause, it shall furnish that party with a written notice:

- (1) stating that debarment or suspension is being considered;
- (2) setting forth the reasons for the proposed action;
- (3) indicating that such party will be afforded an opportunity for a hearing if he so requests one within ten (10) days; and,
- (4) indicating that such party may make a written response in accordance with Section 9(a).

9. Response to Notice of Debarment or Suspension.

- (a) In lieu of requesting a hearing within the prescribed ten (10) day period, the party may, within said ten (10) day period, notify the City of its intent to provide a written reply and submit written evidence to contest the debarment or suspension. Such written evidence must be submitted within twenty (20) days after receipt of the notice of proposed debarment or suspension in order for it to be considered.
- (b) Whatever response is received to the notice of intent to debar or suspend, such will be considered in determining whether debarment or suspension action will be made. Where a reply is received to the notice of intent to debar or to suspend, and evidence to refute such action is furnished but no hearing is requested, the information furnished will be considered in determining the action to be taken.
- (c) If a hearing is requested, it shall be conducted by the City Manager. The hearing will be held at a location convenient to the City as determined by the City Manager and on a date and at a time stated. An opportunity shall be afforded to the firm or individual to appear with witnesses and counsel, to present facts or circumstances showing cause why such firm or individual should not be debarred or suspended. The proceeding shall be of an informal nature as determined by the City Manager. After consideration of the facts, the City Manager shall notify the firm or individual of the final decision.
- (d) If no response is made to the notice of debarment or suspension within the first ten (10) day period, the decision of the Department of Management and Financial Services shall be deemed final and the party so notified.

10. Rejection of Bids, Breach of Contract.

- (a) Previously solicited and/or accepted bids may be rejected or acceptance revoked prior to beginning of performance upon discovery by the City that the bidder or its affiliates have committed any act which would have been cause for debarment.
- (b) If after a contract is awarded and performance has been begun the City discovers that the bidder or its affiliates have committed any act prior to award or acceptance which would have been cause for debarment had it been discovered prior to solicitation or acceptance, the City may consider such to be a material breach of the contract and such shall constitute cause for termination of the contract.
- (c) If after bids have been solicited and/or accepted or after a contract is awarded and performance begun, the City discovers that the bidder or its affiliates committed any act prior to award or acceptance which would have been cause for disbarment or suspension had it been discovered prior to solicitation or acceptance, the City may require additional satisfactory assurances that such act(s) have not occurred and that the contract can and will be faithfully performed. If additional assurances are requested and are not satisfactory or if the bidder or its affiliates fail to immediately cooperate with all reasonable requests, including requests for information reasonably calculated to lead to the discovery of relevant evidence, then such may be considered a material breach of the contract and such shall constitute cause for termination of the contract.

ARTICLE X. LOCAL PREFERENCE POLICY*

***Editor's note:** Section 9 of Ord. No. 001261 states: "This ordinance shall become effective October 1, 2004, and shall be reviewed by the City Commission October 1, 2005, and unless extended by action of the City Commission, shall be deemed repealed effective March 31, 2006, provided that it shall remain applicable to new contracts solicited prior to repeal."

Sec. 2-620. Findings of fact.

The city annually spends significant amounts on purchasing personal property, materials, and contractual services and in constructing improvements to real property or to existing structures. The dollars used in making those purchases are derived, in large part, from taxes, fees, and utility revenues derived from local businesses in the corporate city limits of Gainesville, and the city commission has determined that funds generated in the community should, to the extent possible, be placed back into the local economy. Therefore, the city commission has determined that it is in the best interest of the city to give a preference to local businesses in the corporate city limits of Gainesville in making such purchases whenever the application of such a preference is reasonable in light of the dollar-value of proposals received in relation to such expenditures.

(Ord. No. 001261, § 1, 3-29-04)

Sec. 2-621. Definition.

"Local business" means the vendor has a valid occupational license, issued by the City of Gainesville at least six months prior to bid or proposal opening date, to do business in said locality that authorizes the business to provide the goods, services, or construction to be purchased, and a physical business address located within the limits of said locality, in an area zoned for the conduct of such business, from which the vendor operates or performs business on a day-to-day basis. Post office boxes are not verifiable and shall not be used for the purpose of establishing said physical address. In order to be eligible for local preference, the vendor must provide a copy of the occupational license.

(Ord. No. 001261, § 2, 3-29-04)

Sec. 2-622. Local preference in purchasing and contracting.

In bidding of, or letting contracts for procurement of, supplies, materials, equipment and services, as described in the purchasing policies, the city commission, or other purchasing authority, may give a preference to local businesses in making such purchase or awarding such contract in an amount not to exceed five percent of the local business' total bid price, as described below, and in any event the cost differential should not exceed \$25,000.00. Total bid price shall include not only the base bid price but also all alterations to that base bid price resulting from alternates which were both part of the bid and actually purchased or awarded by the city commission or other authority. In the case of requests for proposals, letters of interest, best evaluated bids, qualifications or other solicitations and competitive negotiation and selection in which objective factors are used to evaluate the responses, local businesses are assigned five percent of the total points of the total evaluation points.

(Ord. No. 001261, § 3, 3-29-04)

Sec. 2-623. Exceptions to local preference policy.

The preference set forth in this Article X shall not apply to any of the following purchases or contracts:

- (1) Good or services provided under a cooperative purchasing agreement;

- (2) Contracts for professional services procurement of which is subject to the Consultants' Competitive Negotiation Act (F.S. § 287.055) or subject to any competitive consultant selection policy or procedure adopted or utilized by the city commission or charter officer;
- (3) Purchases or contracts which are funded, in whole or in part, by a governmental entity and the laws, regulations, or policies governing such funding prohibit application of that preference; or
- (4) Purchases made or contracts let under emergency or noncompetitive situations, or for litigation related legal services, etc., as such are described in the city's purchasing policies;
- (5) Purchases with an estimated cost of \$50,000.00 or less;
- (6) Application of local preference to a particular purchase, contract, or category of contracts for which the city commission is the awarding authority may be waived upon written justification and recommendation of the charter officer and approval of the city commission. The preferences established herein in no way prohibit the right of the city commission or other purchasing authority to compare quality or fitness for use of supplies, materials, equipment and services proposed for purchase and compare qualifications, character, responsibility and fitness of all persons, firms, or corporations submitting bids or proposals. Further, the preferences established herein in no way prohibit the right of the city commission or other purchasing authority from giving any other preference permitted by law in addition to the preference authorized herein.

(Ord. No. 001261, § 4, 3-29-04)

Sec. 2-624. Application, enforcement.

The local preference shall apply to new contracts for supplies, materials, equipment and services first solicited after October 1, 2004. This article shall be implemented in a fashion consistent with otherwise applicable city purchasing policies and procedures.

(Ord. No. 001261, § 5, 3-29-04)

Local Preference is requested: YES NO

If Local preference is requested this exhibit must be submitted with the proposal.

A copy of your Business tax receipt and Zoning Compliance Permit must be submitted with the proposal if a local preference is requested.

CITY OF GAINESVILLE

CERTIFICATION OF COMPLIANCE WITH LIVING WAGE

The undersigned hereby agrees to comply with the terms of the Living Wage Ordinance and to pay all covered employees, as defined by City of Gainesville Ordinance 020663 as amended at 030168 (Living Wage Ordinance), during the time they are directly involved in providing covered services under the contract with the City of Gainesville for _____ a living wage of \$_____ per hour to covered employees who receive Health Benefits from the undersigned employer and \$_____ per hour to covered employees not offered health care benefits by the undersigned employer.

Name of Service Contractor/ Subcontractor: _____
Address: _____
Phone Number: _____
Name of Local Contact Person: _____
Address: _____
Phone Number: _____
\$ _____
(Amount of Contract)

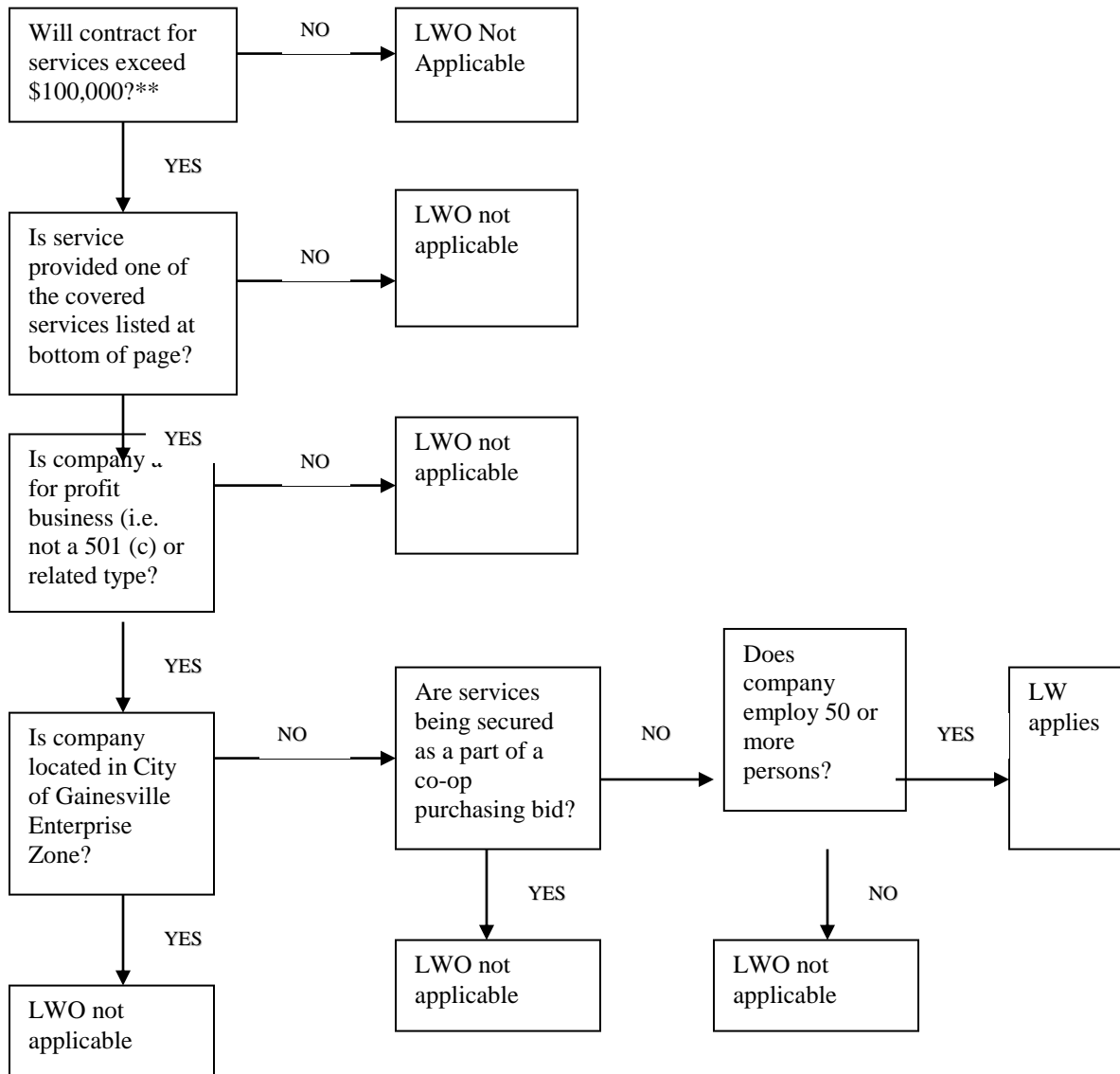
Signature: _____ Date: _____

Printed Name: _____

Title: _____

LIVING WAGE DECISION TREE

While not all encompassing, the following is provided as a guideline for contractors in determining whether the City of Gainesville Living Wage Ordinance applies to their firm in the performance of specified service contracts for covered services* with the City. Contractors are advised to review the entire text of the Living Wage Ordinance in conjunction with this guideline.



***Covered Services:** food preparation and/or distribution; custodial/ cleaning; refuse removal; maintenance and repair; recycling; parking services; painting/ refinishing; printing and reproduction services; landscaping/ grounds maintenance; agricultural/ forestry services; and construction services
****Total value of contract.**

LIVING WAGE COMPLIANCE

See Living Wage Decision Tree (Exhibit C) attached hereto.

Check One:

- Living Wage Ordinance does not apply
(check all that apply):
- Not a covered service
 - Contract does not exceed \$100,000
 - Not a for-profit individual, business entity, corporation, partnership, limited liability company, joint venture, or similar business, who or which employees 50 or more persons, but not including employees of any subsidiaries, affiliates or parent businesses.
 - Located within the City of Gainesville enterprise zone.
- Living Wage Ordinance applies and the completed Certification of Compliance with Living Wage is included with this bid.

NOTE: If Contractor has stated Living Wage Ordinance does not apply and it is later determined Living Wage Ordinance does apply, Contractor will be required to comply with the provision of the City of Gainesville's living wage requirements, as applicable, without any adjustment to the bid price.

Potentially Relevant Sections—City Land Development Code

Updated through September 2017

Sec. 30-2.1. - Definitions.

Emergency shelter means any facility licensed by the state as an emergency shelter providing temporary room and board, protection and pre-placement screening or counseling for a maximum of 15 abused persons, for a one-time stay not to exceed 30 consecutive days per person in any consecutive three-month period; provided that such abused persons are not related to the owner of the premises by law, blood, marriage or adoption; provided, further, that the services rendered on site shall not include intensive treatment or therapy; and provided further that this shelter shall not house dangerous persons.

Place of religious assembly means a church, synagogue, mosque, temple or other permanent building used as a place of assembly for religious worship or services.

Residence for destitute people means establishments primarily engaged in the provision of temporary residences for those persons lacking residences, possessions or resources. Services include overnight accommodations and furnishing of meals to residents only. Revenue is derived only from charitable sources.

Sec. 30-5.12. - Food distribution centers for the needy.

Except as provided as an accessory use to places of religious assembly, food distribution centers for the needy shall be regulated as follows:

A. *Meals served.* All meals served shall be limited to a consecutive three-hour period within a 24-hour day between the hours of 8:30 a.m. and 7:00 p.m. This limitation does not apply to meals served to the residents and staff of a facility that is jointly licensed and operated as a residence for destitute people and a food distribution center for the needy.

B. *Prohibited area.* Food distribution centers for the needy shall not be located within 2,000 feet from the University of Florida main campus as identified on the University of Florida Campus Master Plan. All distance measurements shall be a straight line from the nearest property line of the facility to the nearest property line of the University of Florida campus.

C. *Distance requirements.* The distance between any food distribution center for the needy and any other food distribution center for the needy or residence for destitute people, or facility combining both uses, shall be at least 2,000 feet. The distance between any food distribution center for the needy and any social service home, halfway house or rehabilitation center shall be at least 1,320 feet. All distance measurements shall be a straight line from the nearest property line of any existing facility to the nearest property line of the proposed facility.

D. *Saturation*. No more than two food distribution centers for the needy or residences for destitute people may be located within a two-mile radius.

E. *Bufferstrip*. A food distribution center for the needy shall provide a buffer equal to that of a commercial use, in accordance with article VIII, when adjacent to any property zoned for residential use.

F. *Management program*. Any applicant for a special use permit shall file with the city manager or designee a management program addressing hours of operation, personnel, client code of conduct, location of on-site waiting areas, management of solid waste and litter, lighting, and identification of a responsible person, as more specifically provided below. The name, address and telephone number of the person responsible for the facility shall be kept up to date, and submitted with the management program.

1. *Hours of operation*. The application for a special use permit shall provide the hours of operations clearly indicating the three-hour timeframe for meal service. The hours shall be posted and clearly visible to the public.
2. *Personnel*. The application shall indicate the minimum number of staff persons, including volunteers, which will be supervising the meal service and the clients during the three-hour timeframe. The applicant shall demonstrate to the board that the supervision will be adequate for providing the service and crowd control.
3. *Client code of conduct*. A written client code of conduct shall accompany the application, including the following information at a minimum: The procedure for suspending meal service to persons who violate the code of conduct, including the number of violations, and the requirement for all persons to sign and consent to the code as a condition for receiving service. The enforcement of the code of conduct shall be the sole responsibility of the owner/operator.
4. *On-site waiting areas*. The application for a special use permit shall include a diagram of the facility's onsite waiting area(s). Waiting area(s) shall be on the premise where the meal service is being provided. The owner/operator shall ensure that persons receiving service do not block public access to sidewalks, right-of-way and private property, and that emergency access points are clearly identified and maintained. The applicant shall demonstrate to the board that adequate space is available to accommodate the expected number of persons who will be served meals.
5. *Management of solid waste and litter*. The application shall include a plan for controlling solid waste and litter on-site and off-site in the vicinity of the center. The application shall include information about whether carry-out meals or bag lunches will be provided. When carryout meals or bag lunches are provided, the application shall include a plan of personnel or staff that will provide litter clean-up within a quarter-mile radius of the center on the same day that the meals are served.
6. *Lighting*. Facilities with night hours shall include with the application a plan for security lighting that complies with the lighting standards of the Land Development Code.

7. *Responsible person.* The application shall include the name, address and telephone number of the person responsible for the center. The contact person shall have the authority to make corrective action when necessary. It shall be the responsibility of the owner/operator to keep the contact person's information up-to-date with the city manager or designee.

G. *Combined facility.* A special use permit may be issued for a facility functioning as both a food distribution center for the needy and a residence for destitute people. All requirements for both facilities shall be met.

Sec. 30-5.21. - Places of religious assembly.

A. Within the RSF-1, RSF-2, RSF-3, RSF-4 and U1 districts, places of religious assembly are allowed upon the granting of a special use permit, subject to the following additional dimensional requirements:

1. Minimum lot area shall be one acre for each place of religious assembly with a building code capacity of 100 persons or less plus an additional one-half acre for each additional 50 persons of building code capacity.
2. Minimum yard setbacks:
 - a. Front: 25 feet.
 - b. Side, interior: 50 feet, unless the proposed use is adjacent to a non-residential district, in which case the district setbacks shall apply.
 - c. Side, street: 25 feet.
 - d. Rear: 50 feet, unless the proposed use is adjacent to a non-residential district, in which case the district setbacks shall apply.

B. *Day care centers and schools as accessory uses.* Within the RSF-1, RSF-2, RSF-3, RSF-4 and U1 districts, day care centers and schools may be allowed as accessory uses to places of religious assembly upon the granting of a special use permit; within all other districts, day care centers and schools are permitted accessory uses to any lawful place of religious assembly provided, in all cases, that the requirements and limitations for day care centers and schools as listed in this article are met.

C. *Food distribution centers for the needy as accessory uses.* The city manager or designee may issue a permit for a food distribution center for the needy in conjunction with a place of religious assembly subject to meeting the standards of Section 30-5.12 and the following additional restrictions:

1. No more than 20 meals may be served in a 24-hour period.

2. The place of religious assembly can physically provide an indoor eating area meeting all state, county and city codes for the proposed use.
3. No food distribution center for the needy may be closer than 1,320 feet from any other place of religious assembly having a food distribution center for the needy.
4. Each place of religious assembly shall file with the city manager or designee a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up-to-date.
5. Information shall be displayed including the name of the facility, hours of operation and other functional information.

D. Residences for destitute people as accessory uses. The city manager or designee may issue a permit for a residence for destitute people in conjunction with a place of religious assembly subject to meeting the standards of Section 30-5.22 and the following additional restrictions:

1. The total number of beds shall not exceed 20.
2. Meals may be provided only to residents.
3. No one over the age of 18 may be admitted as a resident without submitting a written report issued by the city police department stating that the person has no outstanding warrants for his or her arrest and is not a "dangerous person", as defined in article II.
4. Each place of religious assembly shall file with the city manager or designee a management program addressing hours of operation, personnel, management of solid waste, litter and lighting. The name, address, and phone number of the person responsible for the facility shall be kept up-to-date.
5. Each place of religious assembly shall provide an indoor area meeting all state, county and city codes for use as a residence for destitute people. The area shall be inspected and approved by the building official prior to being used as a residence for destitute people, either on a temporary or recurring basis.
6. There shall be at least one staff person or volunteer on site, and a director or administrator on-call, when anyone is sheltered overnight in a residence for destitute people.

Sec. 30-5.22. - Residences for destitute people.

Except when provided as an accessory use to places of religious assembly, residences for destitute people shall be regulated as follows:

A. Spacing and location. Residences for destitute people shall not be located closer than 1,320 feet from any social service home, halfway house or rehabilitation center and shall not be closer than 2,000 feet from any other residence for destitute people, food distribution center

for the needy or combination thereof. All measurements shall be measured from the nearest property line of the above-listed facilities to the nearest property line of the proposed facility.

B. *Saturation.* No more than two food distribution centers for the needy or residences for destitute people may be located within a two-mile radius of the proposed facility.

C. *Renewal of special use permit.* The owner of real property holding a special use permit for the operation of a residence for the destitute shall renew such permit in a hearing before the city plan board at a regularly scheduled hearing not more than seven years from the date of issue. The city plan board at such renewal hearing shall ascertain that the facility has been operating in substantial compliance with the above conditions.

D. *Number of beds.* The total number of beds that may be provided in any residence for destitute people in a 24-hour period is 35.

E. *Police department report.* Prior to the admission of any person in a residence for destitute people, such person shall submit a written report issued by the police department stating that such person has no outstanding warrant for his/her arrest.

F. *Dangerous persons.* No person meeting the definition for a dangerous person shall be housed in any residence for destitute people.

Sec. 30-5.31. - Generally.

All accessory structures and uses shall meet the following general requirements and the standards established in this chapter for each specific use or structure:

A. No accessory structure may be built unless in conjunction with or after the start of construction of the principal use on the building site.

B. No accessory use may be in operation unless the principal use on the site is also active.

C. Except as otherwise specifically permitted by this article, accessory uses and structures shall be located on the same building site as the associated principal use.

D. Accessory structures shall be no larger than 50 percent of the building square footage of the principal structure.

E. Except as otherwise specifically permitted by this article, no accessory use or structure shall be located within the front or street side yard.

F. Accessory structures shall conform to the principal building setbacks, unless noted otherwise in this chapter.