

**CITY OF NAPLES
PURCHASING DIVISION
CITY HALL, 735 8TH STREET SOUTH
NAPLES, FLORIDA, 34102
PH: 239-213-7100 FX: 239-213-7105**

ADDENDUM NUMBER 2

NOTIFICATION DATE:	SOLICITATION TITLE:	SOLICITATION NUMBER:	BID OPENING DATE & TIME:
4/28/2023	1st Avenue South, 12th Street South and 10th Street North Scape Design - RFP	23-019	5/2/2023 2:00PM

**THE FOLLOWING INFORMATION IS HEREBY INCORPORATED INTO,
AND MADE AN OFFICIAL PART OF THE ABOVE REFERENCED BID.**

The following answers to written, submitted questions:

1. Please confirm the difference between the staff organizational chart and the team organizational chart, requested as part of Tab 3. Are you requesting 2 separate organizational charts with this proposal?

ANSWER: Yes, if different, please provide the firm's organizational chart, and the specific project team's organizational chart.

2. The liability language in Section 28 of the General Conditions is in violation of Florida Statute 725.08 and we believe it is void and unenforceable. Will the City please modify this language to make it compliant? Suggested language per Florida Statute 725.08: "The design professional shall indemnify and hold harmless the agency, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the contract."

ANSWER: The following clarifications are issued as an addendum identifying the following changes for the referenced solicitation.

- a. Section 28. General Conditions on page 6 of the solicitation is hereby amended with the strikethrough wording being deleted in their entirety, and replaced by the wording in underlined red type:

28.LIABILITY: ~~The supplier shall hold and save the City of Naples, its officers, agents, and employees harmless from liability of any kind in the performance of this contract.~~

Per Florida Statute 725.08: "The design professional shall indemnify and hold harmless the agency, and its officers and employees, from liabilities, damages, losses, and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the contract."

IMPORTANT MESSAGE

PLEASE ACKNOWLEDGE RECEIPT OF THIS ADDENDUM ON THE BID COVER SHEET .

3. The Failure to Deliver language in Section 55 of the General Conditions currently holds the contractor responsible for failure to deliver services in accordance with the contract terms and conditions. Will the City please revise this language to be in accordance with the standard of care and define the standard of care as follows: "The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided. No warranty, express or implied, is made or intended by the Consultant's performance of services, and it is agreed that the Consultant is not a fiduciary with respect to the Client."?

ANSWER: The City's will negotiate with the awarded vendor in a manner that best serves the interests of the City of Naples.

4. Will the City please provide a sample contract.

ANSWER: A sample contract is located here on our website:

https://www.naplesgov.com/sites/default/files/fileattachments/purchasing/page/52696/09-03_fy21_ps_21-033_cc_exec_agreem_vkimley_pnaples_5basinassessm_clerk_2021-136_gls_09-20-2021.pdf

5. *"Can the City provide the names of the individuals on the selection committee?"*

ANSWER: Selection committee Members are: Bob Middleton, Alison Bickett, Anita Jenkins, Michelle Baines and Ed Bliss.

6. The RFP requires submittals to be 8.5"x 11"; however, can the project schedule under tab 5 be submitted in 11"x 17" formatting and folded into 8.5"x11"?

ANSWER: Yes, the Project Schedule may be submitted in 11" x 17" formatting.

7. The RFP states the project schedule to commence on April 10, 2023; however, that date has passed. What date does the City want the project schedule to commence?

ANSWER: For the purposes of submitting a sample bid schedule use the beginning date of July 1st, 2023.

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