# ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS

# REQUEST FOR APPLICATIONS RFA #22-198 COMMUNITY AGENCY PARTNERSHIP PROGRAM FOR POVERTY REDUCTION PROGRAMS (CAPP)



# **VOLUNTARY PRE-APPLICATION MEETING**

10:00 a.m. Thursday, April 15, 2021 at Alachua County Administration Building Grace Knight Auditorium 12 SE 1<sup>st</sup> Street, 2<sup>nd</sup> Floor Gainesville FL 32601

RFA Submittal Deadline: 4:59 P.M., Tuesday, May 4, 2021

All applications must be submitted online. Any applications received after the above submittal deadline <u>will not be considered.</u>

TABLE OF CONTENTS			PAGE NUMBER	
1.0	CENI		2	
1.0	<u>GENI</u> 1.1	ERAL PROVISIONS		
	1.1	<u>Voluntary Pre-Application Meetings</u>		
	1.2	Application Submission		
	1.5 1.4	<u>Application Submission</u> Inquiries/Question		
	1.4	Prohibited Communications During the RFA Application Process		
	1.5	Acceptance/Rejection of Applications		
	1.0	RFA Appeal Process		
	1.7	Proprietary Information		
2.0	-	ERAL PROGRAM GUIDELINES		
	$\frac{0.01111}{2.1}$	Alachua County Residency:		
	2.2	Poverty Alleviation & Amount Available		
	2.3	<u>Funding Categories</u>		
	2.4	Prohibited Programs		
	2.5	Reimbursement Grant		
	2.6	Unit Cost		
	2.7	Additional Information		
	2.8	Funding Intent		
	2.9	Funding Restrictions		
3.0	RFA	SELECTION PROCEDURES		
	3.1	RFA Grant Application		
	3.2	RFA Evaluation Committee		
	3.3	Negotiation of Contract		
4.0	SELE	CTION AND EVALUATION CRITERIA		
	4.1	Background		
	4.2	Application Screening		
	4.3	Scoring Process		
	4.4	Evaluation Criteria		
5.0		ERAL TERMS AND CONDITIONS		
	5.1	Verification of Personnel		
	5.2	Basis for Contract Negotiation		
		endent Contractor		
	5.3	Term of the Contract		
	5.4	Governing Law		
	5.5	Indemnification		
	5.6	Amendments		
	5.7	Independent Organization(s)		

# ALACHUA COUNTY BOARD OF COUNTY COMMISSIONERS REQUEST FOR APPLICATIONS RFA #22-198 COMMUNITY AGENCY PARTNERSHIP PROGRAM FOR POVERTY REDUCTION PROGRAMS (CAPP)

#### 1.0 **GENERAL PROVISIONS**

#### 1.1 **Purpose**

The Alachua County Board of County Commissioners (hereinafter referred to as "Board") is seeking applications from qualified non-governmental, non-profit agencies with current 501(c)(3) tax exempt status and with a physical business location in Alachua County (hereinafter, referred to as "Applicant") for the Request for Application (hereinafter, referred to as "RFA") Community Agency Partnership Program (hereinafter, referred to as "CAPP").

The Community Agency Partnership Program (CAPP) is designed to leverage the expertise, resources, and services provided by our local non-profit 501c3 organizations to benefit Alachua County citizens living in poverty. CAPP is one of Alachua County's poverty reduction initiatives and its focus is on assuring that the most basic physical needs of residents living at or below 150% of the federal poverty level are addressed. All funds provided through CAPP must be used to directly benefit those living in poverty either through the provision of services or goods.

#### 1.2 Voluntary Pre-Application Meetings

Applicants may voluntarily attend the Pre-Application Meeting. The Community Support Services Department/Procurement Department will conduct these meetings during which potential applicants will be provided with an overview of the program, information regarding the grant, and instructions for completing and submitting the online application document. The Pre-Application Meeting will be held:

### **VOLUNTARY PRE-APPLICATION MEETING**

10:00 a.m. Thursday, April 15, 2021 at Alachua County Administration Building Grace Knight Auditorium 12 SE 1<sup>st</sup> Street, 2<sup>nd</sup> Floor Gainesville FL 32601

### **AND ZOOM Meeting**

Join Zoom Meeting

https://zoom.us/j/97995238825?pwd=c2JWSUFoS1pSZmRvNIJ3RXdtMzFmdz09

## Meeting ID: 979 9523 8825 Passcode: 502813 One tap mobile +19292056099,,97995238825#,,,,\*502813# US (New York) +13017158592,,97995238825#,,,,\*502813# US (Washington DC)

#### 1.3 Application Submission

Applications must be submitted online with all requested RFA information. <u>Questions</u> that have not been answered constitute an incomplete application and you will be <u>unable to submit it online</u>. Each applicant is responsible for full and complete compliance with all laws, rules and regulations which may be applicable.

### ALL CAPP applications must be completed electronically online and submitted no later than 4:59 P.M., Tuesday, May 4, 2021 through the Alachua County Community Support Services website at the following:

http://www.alachuacounty.us/Depts/CSS/CAPP/Pages/ApplyforanAward.aspx (i.e., CAPP 'Apply for Award' webpage)

# RFA #22-198 CAPP

### ABSOLUTELY NO LATE APPLICATIONS WILL BE ACCEPTED

- 1.3.1 The applicant is completely responsible for preparing and submitting the CAPP application according to grant instructions.
- 1.3.2 You must submit your application online, including all requested documents and other information as instructed.
- 1.3.3 For some general instructions regarding how to get started with your online application, refer to the document entitled *Handy Hints* for *Completing Your CAPP Application in ZoomGrants* found by clicking on the *Grant Resource Info* tab in your CAPP application document.
- 1.3.4 If you are applying for funding for more than one program, you must complete a separate application online for each program.
- 1.3.5 The cost for the agency's preparation of the application is entirely the obligation of the applicant and shall not be chargeable in any manner to Alachua County.

### 1.4 Inquiries/Questions

Inquiries and questions regarding any portion of the application or application process must be made in WRITING, via email to the Purchasing Agent. Verbal questions may only be asked at the **Pre-Application Meeting**. All written questions must be submitted no later than 10 calendar days before the proposal due date. All written questions will be answered by the Purchasing Agent in written form as an addendum to this RFA. Written inquiries/questions must be submitted to:

Leira Cruz-Caliz, Purchasing Agent Alachua County Procurement 12 SE 1<sup>st</sup> Street, 3<sup>rd</sup> Floor Gainesville, Florida 32601 Email: <u>lcruzcaliz@alachuacounty.us</u>

Each Addendum will then be posted online within the CAPP grant application (refer to *Grant Resource Information* tab in the online application document). The final Addendum will be posted/available by 5:00 p.m. on Tuesday, April 27, 2021 and will be titled, "Final Addendum". It is important to know that Addenda can also contain corrections, changes, additional information, etc. regarding the RFA. The applicant is responsible for adhering to the information in each Addendum, and acknowledging receipt of Final Addendum.

# 1.5 **Prohibited Communications During the RFA Application Process**

The RFA funding process is not over until the final award decisions are made by the County Commission. To ensure fair consideration for all Applicants, the County prohibits communication regarding this funding process, including the funding recommendations, to or with any department, employee, elected official, or any other person involved in evaluation of or consideration of the applications, except as provided in Section 1.4, until the County Commission has formalized its funding decision. Communication includes both oral and written.

Violation of the communication restrictions can result in disqualification for this and for any future proposals.

Procurement Services or a representative may initiate communication with an Applicant in order to obtain information.

#### 1.6 Acceptance/Rejection of Applications

Alachua County reserves the right to reject any application which is incomplete, irregular, shows serious omission, and/or is an unauthorized alternate application form.

Alachua County reserves the rights to accept or reject any or all applications in whole or in part, with or without cause, to waive technicalities, or to accept applications or portions thereof which, in the County's judgment, best serve the interests of the County.

### 1.7 **RFA Appeal Process**

Only the RFA **process** may be appealed. RFA Evaluation Committee Funding Recommendations are not released prior to the resolution of any appeal or prior to the appeal deadline. The Funding Recommendations made by the RFA Evaluation Committee cannot be appealed. The final funding decision made by the Board of County Commissioners can also not be appealed. All decisions made by the Board of County Commission shall be finalized at a scheduled County Commission Board meeting, TBA.

Applicant complaints or grievances shall first be submitted in writing to the Procurement Manager, Larry Sapp. *The deadline for filing an appeal is May 17th 2018, by 11:59 p.m. (one minute before midnight).* 

The Procurement Manager will investigate the complaint and present the findings in writing to the applicant. If the funding applicant is dissatisfied with the Procurement Manager's decision and desires to continue with the appeal, s/he may make an appeal in writing to the County Manager within 5 (five) days of the Procurement Manager's written finding. The County Manager will render a written response to the funding applicant. All decisions by the County Manager shall be considered final, and no further appeal is allowed.

Failure of any funding applicant to submit an appeal within the time frames provided in this section shall constitute a waiver of funding applicants' right to appeal.

All appeals must have had a final decision rendered, or formal withdrawal of the appeal, before the RFA Evaluation Committee funding recommendations can be released.

### 1.8 **Proprietary Information**

Responses to this Request for Application upon receipt by the County become public records subject to the provisions of Chapter 119 F.S., Florida Public Records Law.

#### 2.0 <u>GENERAL PROGRAM GUIDELINES</u>

### 2.1 Alachua County Residency:

Funding is to be used for residents of Alachua County. Individuals or families residing elsewhere cannot be brought into the county for the purpose of participating in a CAPP-funded program.

#### 2.2 Poverty Alleviation & Amount Available

All programs must serve to alleviate the symptoms of poverty for eligible Alachua County residents. Because the CAPP Program is intended to be a poverty reduction initiative, CAPP-funded services must therefore be targeted to Alachua County residents at or below 150% of the Federal Poverty Level, based on the applicant's household size. Adherence to this income eligibility criteria must be adequately documented. The anticipated, total amount of funding available for allocation by the Board of County Commissioners for FY21-24 is projected to be approximately \$1.3 million.

#### 2.3 Funding Categories

All programs must fit into one of the BoCC's approved funding categories. The current funding categories approved for grant awards by the Board of County Commissioners are (1) Safe, Affordable Housing, (2) Quality Child Care and Education, (3) Adequate Food, (4) Reliable Transportation, (5) Quality Healthcare, (6) Reliable Technology, and (7) Financial Education and Stability.

### 2.4 Prohibited Programs

This funding is not for economic development, economic opportunity, recreational, arts, cultural, historical, environmental or transitional housing programs. Such proposals will be deemed non-responsive and ineligible for funding.

### 2.5 **<u>Reimbursement Grant</u>**

This is a reimbursement grant. The agency must first expend its own funds and request reimbursement from the County. Generally, the first reimbursement will not be made until mid-January 2022, so the agency must conduct the program without reimbursement from October 1, 2021 – mid-January 2022 after which the agency will be reimbursed for allowable expenses dating back to October 1, 2021.

#### 2.6 Unit Cost

Agencies will be required to submit invoices that reference their program's unit of service measure and their cost per unit of service or rate. Their application must ensure both the unit of service measure and cost per unit of service rate are clear and accurately calculated. The total sum of the projected number of planned units of service multiplied by the cost per unit of service should match the agency's program budget and the total amount of funding being requested.

### 2.7 Additional Information

Agencies must have been operational, providing program service(s) in the CAPP funding category for which they are applying for at least one full year.

To receive CAPP funding for housing proposals, homeless services providers must be a member of the North Central Florida Alliance for the Homeless and Hungry and actively participating in Continuum of Care meetings. Transitional Housing programs will not be eligible for funding consideration. All projects must be consistent with current US Housing and Urban Development and local area Continuum of Care priorities. Agencies awarded CAPP funds for homeless housing must also participate in all training sessions associated with the <u>Homeless Management Information System</u> (HMIS) and must post and maintain client data in this system. Domestic Violence Agencies are exempt from this requirement.

### 2.8 Funding Intent

It is the intent of the Alachua County Board of County Commissioners that CAPP funds be used for the benefit of program participants.

- 2.8.1 CAPP funding is not intended for "the cost of doing business" expenses. The one exception is for general office supplies, such as paper, pens, printer cartridges, staples, etc., which are allowed.
- 2.8.2 Funds are not to be used to maintain, enhance or enrich the agency, they are to be used to enrich the program participants. Funding requests deemed solely or primarily as maintaining, enhancing or enriching the agency-will not be approved.
- 2.8.3 The program should have its essential operating elements and equipment already in place, as these are not funded by CAPP

#### 2.9 Funding Restrictions

As it is not possible to address every funding item or scenario, please know that the following is a general list. If there are items not on the list that you want to confirm are CAPP-reimbursable, please submit the scenario and question in writing to Procurement Agent Leira Cruz-Caliz at <u>lcruzcaliz@alachuacounty.us</u>.

### 2.9.1 Religious or Sectarian engagement

In accordance with Article 1, Section 3, Florida Constitution, and other applicable law, funding provided under CAPP may not be used in aid of any church, sect, or religious denomination or in aid of any sectarian institution. The program shall not promote the religion of the provider, be significantly sectarian in nature, involve religious indoctrination, require participation in religious ritual, or encourage the preference of one religion over another.

### 2.9.2 Capital expenditures

Items costing \$1,000 or more are not allowed.

2.9.3 **Improvements to buildings and/or land** Are not allowed.

### 2.9.4 **Building maintenance and janitorial service**

General building maintenance, including pest control, is not allowed for non-program areas.

### 2.9.5 Lawn maintenance is

Not allowed.

#### 2.9.6 **Rent or mortgage payments**

CAPP does <u>not</u> pay for agency office space. Rent and mortgage payments are authorized only if the location is where direct services are provided to program participants.

### 2.9.7 Utilities

Authorized only if used by program participants. If the building houses nonprogram participants (such as staff) the amount/percentage of utilities used for the program participants must be calculated and only that amount/percentage will be authorized for reimbursement.

#### 2.9.8 Vehicles

The purchase of vehicles is not allowed.

#### 2.9.9 Vehicle maintenance and gasoline

Maintenance of vehicles and gasoline is allowed if the vehicle has been specified in the application as essential and directly related to the operation of the program for which you are seeking CAPP funding. Ex: Food delivery program truck for food delivery program; truck used to haul building supplies for home repair program.

#### 2.9.10 Vehicle Rental

Rental of a vehicle is allowed for transporting program participant(s) to a program-related event(s), such as renting a van to transport multiple participants to a particular program-related venue. Insurance and 'accessory' coverage on rental vehicles are <u>not</u> billable.

#### 2.9.11 General Transportation

Vehicle-related expenses are not allowed for the transportation of nonprogram participants.

#### 2.9.12 Fundraising

Expenses for fundraising are not allowed.

#### 2.9.13 Storage facilities

No expense for storage facilities is permitted unless essential to operation of the agency's program and is explained in the application. No portion of storage space used for maintaining office equipment, materials and/or supplies, etc. may be paid for with CAPP funds.

#### 2.9.14 Insurance

Insurance premiums (except for employee health benefits) are not allowed.

#### 2.9.15 Membership Fees or Dues

No membership fees or dues can be charged to CAPP.

#### 2.9.16 Staff/Volunteer Gifts/Awards/Recognition

Gifts, awards or other expenses related to employee or volunteer celebration, recruitment, recognition events or activities are not allowed.

#### 2.9.17 Grant-Related Expenses

No portion of CAPP funding may be used for preparation of the application for this grant, including materials and preparation time. Staff members whose salaries are funded or partially funded by CAPP may not be paid with CAPP funds for any time spent on preparation of application for CAPP funding.

#### 2.9.18 Communications

General office internet for employees is not an allowable expenditure; however, if the internet access is solely for program participants, then this would be allowed. Office phone expenses are not allowed. Cell phones for on-call or in-field program staff are allowed.

#### 2.9.19 Marketing

Not allowed.

#### 2.9.20 Office Equipment/Furniture

Maintenance, purchase or rental of office equipment is considered an agency operating expense or "the cost of doing business" and is not allowed. Purchase or rental of office furniture is not an allowable expense.

#### 2.9.21 Computers/Computer Labs/Upgrades

CAPP funds will not pay for staff computers, upgrades, repair, maintenance, networking, Internet, software or other IT-related expenses. These are general operating expenses. CAPP funds might be able to be used for computer-related expenses that are for the sole use of participants or expenses related to virtual participation. The agency must receive prior approval from CAPP staff. Generally, start-up computers may not be purchased with CAPP funds.

#### 2.9.22 Salaries/Benefits

Salaries/benefits for staff not assigned to directly deliver program services are not allowed.

#### 2.9.23 Start-Up Costs

It is expected that the agency will provide on its own the basics needed to begin

the program.

#### 2.9.24 Payments to Other County Entities:

CAPP funds cannot be used for payment to Alachua County departments/entities. Example: CAPP funds cannot be used to obtain a County building permit.

### 3.0 RFA SELECTION PROCEDURES

The Applicants selected to provide the services described herein will be selected from the qualified-responses to this RFA. The selection process will be as follows:

### 3.1 **RFA Grant Application**

All the applications will be reviewed by a County appointed RFA Evaluation Committee taking into account all the criteria and the overall application. Funding recommendations will be presented to the BoCC for consideration and final approval of the funding award amount.

### 3.2 **<u>RFA Evaluation Committee</u>**

The RFA Evaluation Committee will review the qualifications of the organization and application. The Committee will evaluate applications in accordance with the evaluation criteria identified in Section 4.0 and as addressed in Section 2.0. The RFA Evaluation Committee serves in an advisory capacity to the BOCC and is responsible for evaluating and scoring applications and making final funding recommendations to the Board of County Commissioners.

In the event that the total CAPP funding requests of successful applicants <u>exceed</u> the County's available funding allocation, the RFA Evaluation Committee will apply a ratio to determine the amount each applicant qualifies for as based on its score in order to distribute available funds. (Scores are not rounded-up.) This ratio will be determined by dividing the total funding allocation by the total amount of applicants' qualifying funding as determined by their respective scores and applying this ratio to each agency's qualifying funding award, in order to make an adjusted award amount that remains within the CAPP Program allocation.

The Board of County Commissioners decides the final awards. Funding decisions will be considered and approved at a publicly noticed Board meeting held in the County Administration Building Auditorium, 2<sup>nd</sup> Floor, 12 SE 1<sup>st</sup> Street, Gainesville.

### 3.3 Negotiation of Contract

The County will negotiate contracts with approved Grantees for the provision of services requested in this Request for Applications.

# 4.0 SELECTION AND EVALUATION CRITERIA

Applications will be evaluated in accordance with the procedures described in this Request for Applications.

# 4.1 Background

Each fiscal year the Alachua Board of County Commissioners (BoCC) allocates funds for use in making competitive grant awards to various 501(c)(3) non-profit organizations. The Community Agency Partnership Program's Grant Review Committee (GRC) was established by the BoCC to advise them regarding the award of County funds for poverty reduction programs conducted by non-governmental, non-profit agencies.

# 4.2 Application Screening

All applications submitted will be subject to screening to ensure that they meet mandatory qualifications and are thereby eligible for evaluation and scoring by the RFA Evaluation Committee. Screening involves checking to determine if an agency is eligible to apply on the basis of their compliance with the following criteria: having current and complete 501(c)(3) status; maintaining a physical business address in Alachua County; recognizing that services to be provided must meet one of the established CAPP funding priorities; having at least one (1) year of experience providing program services in the CAPP funding category for which they are applying; and understanding that recipients of the agency's program services must be economically disadvantaged (i.e., be at or below 150% of the current Federal Poverty Level guidelines). Proposals failing to meet these screening criteria shall be deemed non responsive and removed from the application process.

### 4.3 Scoring Process

The members of the RFA Evaluation Committee evaluate and score all proposals not removed from the process during the screening phase. A maximum total score of 100 points is possible, based on an agency's responses on its application. Once the final score is calculated, any proposal scoring at or below 69.9 is not eligible for funding. Proposals scoring 70 and above are assigned a maximum percentage funding recommendation, based on the score received. Regardless of an agency's designated award amount, however, the RFA Evaluation Committee is not obligated to recommend a program for funding at any level and there are no guarantees a program will be recommended for funding. See Scores/Ranges section below.

If total points awarded is within the score range	Recommended % of agency's funding request=	
below:		
90 - 100	100%	
80-89.9	75%	
70-79.9	50%	
69.9 and below	No recommendation can be made	

# 4.4 Evaluation Criteria

Application submissions will be evaluated and scored by RFA Evaluation Committee members on the basis of the criteria below, with points awarded within a designated scoring range for each criteria. RFA Evaluation Committee members may offer their unique perspectives and practical insights based on areas of professional or personal expertise; education, training and/or knowledge; and community involvement.

#### 4.4.1 **Community Impact:** (scoring range: 0 – 25 pts.)

The degree to which the proposed program clearly describes and addresses a community need AND demonstrates its ability to justify and deliver services critical to the well-being of the community, taking into consideration the grant time-frame and the proposed budget. Does the proposal address a legitimate poverty-related community need and does it clearly show how the program will positively impact this need?

### 4.4.2 **Program Budget:** (scoring range: 0 - 25 pts.)

The degree to which the program budget focuses on provision of direct services to participants, is reasonable, and is in alignment with the description of program services to be provided elsewhere in the grant application.

#### 4.4.3 **Cost effectiveness:** (scoring range: 0–25 pts.)

The degree to which costs are reasonable for Alachua County taxpayers, considering what services are being provided and what outcome(s) are being produced. Are there formal matched or leveraged funding arrangements, and if so, at what level? Is the agency actively engaged in fund-raising? Are there diversified funding sources for support of the program and do such sources go beyond customary, local grantors?

4.4.4 Agency stability and capability: (scoring range: 0-25 pts.) The degree to which the agency appears to be well-functioning and financially and internally stable. Is there an active Board of Directors or Executive Committee? Are the staff necessary for program implementation in place? Do they have the correct experience, certification and/or education?

### 5.0 GENERAL TERMS AND CONDITIONS

The following are the general terms and conditions, supplemental to those stated elsewhere in the Request for Application, to which the selected Organizations must comply in order to be consistent with the requirements for this Request for Application. Any deviation from these or any other stated requirements should be listed as exceptions in a separate appendix of the proposal.

# 5.1 Verification of Personnel

Applicants must provide assurance of compliance with all Florida Statutes related to Level 2 criminal backgrounds checks for all staff and volunteers that have unsupervised contact with children and other vulnerable individuals served All screenings are to be substantially consistent with the standards set forth in Florida Statute 435.04. Verification of Level 2 Background Screenings must be made available to County staff on demand.

Every **Florida** public employer, along with their private contractors and subcontractors, must enroll in and use the **E-Verify** system to confirm the eligibility of all employees hired after January 1, 2021, in accordance with FS 287.137. No public contract can be entered into without an **E-Verify** certificate.

### 5.2 Basis for Contract Negotiation

The proposal/application will serve as the basis for negotiating the contract.

#### **Independent Contractor**

Awarded applicants (hereafter referred to as "Grantee") will be acting in the capacity of an independent contractor and not as an agent, employee, partner, joint venture, or associate of the County. Grantee is solely responsible for the means, method, techniques, sequence, and procedure utilized by the Grantee in the full performance of this agreement. Neither Grantee nor any of its employees, officers, agents or any other individual directed to act on behalf of Grantee for any act related to this Agreement shall represent, act, purport to act, or be deemed to be the agent, representative, employee or servant of the County.

For Independent Contractors outside the construction industry with fewer than four employees choosing not to secure worker's compensation coverage under the Florida Worker's Compensation Act, the Independent Contractor outside the construction industry verifies that it has posted clear written notice in a conspicuous location accessible to all employees, telling employees and others of their lack of entitlement to worker's compensation benefits. Policies and decisions of Grantee, which may be represented by Grantee in performance of this Agreement, shall not be construed to be the policies or decision of the County.

# 5.3 Term of the Contract

The contract shall be effective upon execution by both parties and continuing through September 30, 2024, subject to annual appropriation by the Board of County Commissioners.

### 5.4 Governing Law

This agreement shall be governed in accordance with the laws of the State of Florida. Venue shall be in Alachua County.

### 5.5 **Indemnification**

To the maximum extent permitted by Florida law, the Grantee shall defend, indemnify and hold harmless the County and its officers and employees from any and all liabilities, claims, damages, penalties, demands, judgments, actions, proceedings, losses or costs, including, but not limited to, reasonable attorneys' fees and paralegals' fees, whether resulting from any claimed breach of this Agreement by the Grantee or from personal injury, property damage, direct or consequential damages, or economic loss, to the extent caused by the negligence, recklessness, or intentional wrongful misconduct of the Grantee or anyone employed or utilized by the Grantee in the performance of this Agreement.

The duty to defend under this Article is independent and separate from the duty to indemnify, and the duty to defend exists regardless of any ultimate liability of the Grantee, the County and any indemnified party. The duty to defend arises immediately upon presentation of a claim by any party and written notice of such claim being provided to the Grantee. The Grantee's obligation to indemnify and defend under this Article will survive the expiration or earlier termination of this Agreement until it is determined by final judgment that an action against the County or an indemnified party for the matter indemnified hereunder is fully and finally barred by the applicable stature of limitations.

Nothing contained herein shall constitute a waiver by the County of sovereign immunity or the provisions of §768.28, Florida Statutes.

### 5.6 <u>Amendments</u>

This agreement may be amended by mutual written agreement of the parties and may be changed only by such written amendment.

# 5.7 **Independent Organization(s)**

In the performance of this agreement, the Grantee will be acting in the capacity of an independent Organization and not as an agent, employee, partner, joint venture, or associate of the County. The Grantee shall be solely responsible for the means, method, technique, sequences, and procedures utilized by the Grantee in the full performance of the agreement.