

**MANATEE COUNTY GOVERNMENT
REQUEST FOR PROPOSAL #10-1368FL
WI-FI CAFÉ CONCESSION
PARKS AND RECREATION GYMNASIUM G.T. BRAY PARK**

Manatee County, a political subdivision of the State of Florida (hereinafter "Manatee County" or the "County") will receive proposals from individuals, corporations, partnerships, and other legal entities authorized to do business in the State of Florida, for the purpose of granting limited rights to operate the specified County Facilities for the preparation and vending of food and beverages, and articles for use to the patrons at Parks and Recreation Gymnasium G.T. Bray Park.

To ensure that all prospective proposers have sufficient information and understanding of the County's needs, a **MANDATORY SITE VISIT AND INFORMATION CONFERENCE** will be held on July 22, 2010, at 10:00 - a.m., or soon thereafter, at Manatee County at the G. T. Bray Recreation Center Located at 5502-04 33rd Avenue Drive West, Bradenton, FL. This is a active construction site, please dress accordingly.

TIME AND DATE DUE: Proposals will be received until 4:00 p.m., July 30, 2010, at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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Important notice: Regarding Lobbying County Officials or Staff.

Please review and comply with paragraph A.18 to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Frank Lambertson, Contract Negotiator, PHONE (941) 749-3042, FAX (941) 749-3034
Manatee County, Financial Management Department, Purchasing Division
Email: frank.lambertson@mymanatee.org

AUTHORIZED FOR RELEASE:  _____

SECTION A: INFORMATION TO PROPOSERS

PROPOSERS MUST COMPLY WITH THE FOLLOWING INSTRUCTIONS TO BE CONSIDERED FOR SELECTION.

A.01 OPENING LOCATION

Proposals will be publicly opened at Manatee County Purchasing, 1112 Manatee Avenue West, 8th Floor, Suite 803, Bradenton, Florida 34205, in the presence of County officials at the time and date stated on the cover sheet. All proposers or their representatives are invited to attend.

A.02 PROPOSAL INFORMATION AND PROPOSAL DOCUMENTS

Bids and Proposals on <http://www.mymanatee.org>

Bid or Proposal documents and the Notices of Source Selection related to those Bids or Proposals are available for download in a portable document format (.PDF) file on the Manatee County web page on the Purchasing tab under "Bids and Proposals." You may view and print these files using Adobe Acrobat software. You may download a free copy of this software (Adobe) from the County's web page if necessary.

Manatee County collaborates with the Manatee Chamber of Commerce on distributing solicitations using the RFP Tool web page on the Chambers website: <http://www.Manateechamber.com> to post Bid and Proposal documents in a portable document format (.PDF) file. This step is in addition to the posting on Manatee County Government web pages.

Note: The County posts the **Notice of Source Selection** seven calendar days prior to COMMENCING NEGOTIATIONS with the selected firms.

IT IS THE RESPONSIBILITY OF EACH PROPOSER, PRIOR TO SUBMITTING THEIR PROPOSAL, TO CONTACT THE MANATEE COUNTY PURCHASING OFFICE (see contact information on page one of this document) TO DETERMINE IF ADDENDA WERE ISSUED AND TO MAKE SUCH ADDENDA A PART OF THEIR PROPOSAL.

A.03 PROPOSAL FORM DELIVERY REQUIREMENTS

Any proposals received after the stated time and date will not be considered. It shall be the sole responsibility of the proposer to have their proposal delivered to the Manatee County Purchasing office for receipt on or before the stated time and date. If a proposal is sent by U.S. Mail, the proposer shall be responsible for its timely delivery to the Purchasing Office. Proposals delayed by mail shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the proposer's request and expense.

A.04 CLARIFICATION & ADDENDA

Each proposer shall examine all Request For Proposal documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to the Request For Proposal shall be made in writing through the Manatee County Purchasing Office. The County shall not be responsible for oral interpretations given by any County employee, representative, or others. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. Addenda shall be posted on <http://www.mymanatee.org>.

It shall be the responsibility of each proposer, prior to submitting their proposal, to contact the Manatee County Purchasing Office at 941-748-4501, Ext. 3042 to determine if addenda were issued and to make such addenda a part of the proposal.

DEADLINE FOR CLARIFICATION REQUESTS

Friday, July 23, 2010 at 5:00P.M. shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Request For Proposals to the Manatee County Purchasing Office.

This deadline has been established to maintain fair treatment for all potential bidders or proposers.

Note: If required, Proposers may obtain further clarification or explanation of this RFP by contacting: Frank Lambertson, Contracts Negotiator, Purchasing Division, Phone: (941)749-3042 or Email: frank.lambertson@mymanatee.org

A.05 SEALED & MARKED

Four (4) signed copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #10-1368FL**" and addressed to:

Manatee County Purchasing
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205

A.06 LEGAL NAME

Proposals shall clearly indicate the legal name, address and telephone number of the proposer (company, firm, partnership, individual). Proposals shall be signed above the typed or printed name and title of the signer. The signer shall have the authority to bind the proposer to the submitted proposal.

A.07 PROPOSAL EXPENSES

All expenses for making proposals to the County are to be borne by the proposer.

A.08 EXAMINATION OF OFFER

The examination of the proposal and the proposer generally requires a period of not less than ninety (90) calendar days from the date of the opening of the proposals.

A.09 DISCLOSURE

Proposals become "Public Records" ten (10) days after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statue 119.071. **No review of the proposal documents shall be conducted at the public opening of the proposals.**

Manatee County will make public at the opening the names of the business entities that submitted an offer and any amount presented as offers without any verification of the mathematics or the completeness of the offer.

A.10 ERRORS OR OMISSIONS

Once a proposal is submitted, the County shall not accept any request by any proposer to correct errors or omissions in the proposal. No changes shall be allowed until a selection is made and contract negotiations actually begin.

A.11 RESERVED RIGHTS

The County reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmission. Any sole response received by the first submission date may or may not be rejected by the County, depending on available competition and timely needs of the County. The County reserves the right to award the contract to a responsible proposer submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interests of the County. The County shall be the sole judge of the proposal, and the resulting negotiated agreement that is in its best interest and its decision shall be final. Negotiated agreement may or may not include all elements of this RFP or the resulting successful proposal where alternative terms and conditions become more desirable to the County, and the parties agree to such terms. Also, the County reserves the right to make such investigation as it deems necessary to determine the ability of any proposer to perform the work or service requested. Information the County deems necessary to make this determination shall be provided by the proposer. Such information may include, but shall not be limited to: current financial statements prepared by an independent CPA; verification of availability of equipment and personnel; and past performance records.

A.12 APPLICABLE LAWS

Proposer must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting agreement. Any involvement with any Manatee County procurement shall be in accordance with Manatee County Code of Laws Chapter 2-26, as amended. Any actual or prospective proposer who is aggrieved in connection with the solicitation or award of a contract may protest to the Board of County Commissioners of Manatee County

as required in Section 2-26-61 of the Manatee County Code of Laws. A protest with respect to this Request For Proposal shall be submitted in writing prior to the scheduled opening date of this proposal, unless the aggrieved person did not know and could not have been reasonably expected to have knowledge of the facts giving rise to such protest prior to the scheduled opening date of this proposal. The protest shall be submitted within seven calendar days after such aggrieved person

Knows or could have reasonably been expected to know of the facts giving rise thereto.

A.13 CODE OF ETHICS

With respect to this proposal, if any proposer violates or is a party to a violation of the Code of Ethics of Manatee County per Manatee County Code of Laws, Article III, Ethics in Public Contracting, and/or Florida criminal or civil laws related to public procurement including but not limited to Florida Statutes Chapter 112, Part II, Code of Ethics for Public Officers and Employees, such proposer may be disqualified from performing the work described in this proposal or from furnishing the goods or services for which the proposal is submitted and shall be further disqualified from submitting any future proposals for work or for goods or services for Manatee County.

The County anticipates that all statements made and materials submitted in a proposal will be truthful. If a proposer is determined to be untruthful in its proposal or any related presentation, such proposer may be disqualified from further consideration regarding this Request for Proposals.

A.14 COLLUSION

By offering a submission to this Request For Proposal the proposer certifies the proposer has not divulged to, discussed or compared his proposal with other proposers and has not colluded with any other proposer or parties to this proposal whatsoever. Also, the proposer certifies, and in the case of a joint proposal, each party thereto certifies, as to their own organization that in connection with this proposal:

- a. any prices and/or data submitted have been arrived at independently, without consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other proposer or with any competitor;
- b. any prices and/or cost data quoted for this proposal have not been knowingly disclosed by the proposer prior to the scheduled opening directly or indirectly to any competitor;
- c. no attempt has been made or will be made by the proposer to induce any other person or firm to submit or not to submit a proposal for the purpose of restricting competition;

- d. the only person or persons interested in this proposal as principal or principals is/are named therein and that no person other than therein mentioned has any interest in this proposal or in the contract to be entered into; and
- e. no person or agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees.

A.15 PROPOSAL FORMS

Proposals must be submitted in the format specified in Section B hereof. The contents of each proposal shall be **separated and arranged with tabs in the same order as listed in the Subsections within Section B** identifying the response to each specific item thereby facilitating expedient review of all responses.

A.16 PUBLIC ENTITY CRIMES

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the construction or repair of a public building or public work, may not submit proposals on leases or 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 (as of 7/1/2000 is \$25,000) for a period of 36 months from the date of being placed on the convicted vendor list.

A.17 DRUG FREE WORK PLACE

Drug Free Workplace Program: Manatee County Board of County Commissioners adopted a policy requiring Contractors to maintain a Drug Free Workplace, Resolution R-93-22. Proposers are asked to review the attached Resolution and provide either a certification of compliance with the program outlined in this Resolution or describe your firm's policy or program as it relates to maintaining a drug free workplace. This response will be considered with the other criteria described herein. **Proposer to complete Attachment "A"**

A.18 LOBBYING

After the issuance of any Request For Proposals, prospective proposers or any agent, representative or person acting at the request of such proposer shall not contact, communicate with or discuss any matter relating in any way to the Request For Proposals with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request For Proposals. This prohibition begins with the issuance of any Request For Proposals and ends upon execution of the final contract, when all solicitations have been rejected, or when the request has been canceled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Code of Law Chapter 2-26.

A.19 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

Manatee Code of Laws 2-26 Article V prohibits the award of County contracts to persons, business entities, or affiliates of business entities who have not submitted written certification to the County that they have not been convicted of bribery, attempted bribery, collusion, restraints of trade, price fixing, and violations of certain environmental laws. A Non-Conviction Certification Form is attached for this purpose. **Proposer is to complete Attachment "B"**

A.20 EQUAL EMPLOYMENT OPPORTUNITY

Manatee County, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, hereby notifies all prospective proposers that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, women or minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color, creed, sex, age or national origin in consideration for an award.

A.21 AMERICANS WITH DISABILITIES ACT

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the County's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring reasonable accommodation for the **public meetings** specified herein (i.e. Information Conference or Proposal Opening), should contact the person named on the first page of this document at least twenty four (24) hours in advance of the activity to request accommodations.

SECTION B: FORM OF PROPOSAL

This section identifies specific evaluation factors which are to be given written responses, arranged with tabs in the same order as listed in this Section B.

B.01 MINIMUM QUALIFICATIONS

Prior to any consideration of the responses to the criteria in this Request For Proposals, the following experience must be given and verified:

Proposers shall have at least three (3) years of proven experience in operating a "public food service establishment" as defined in Florida Statute §509.013 and obtained and concurrently held the required licenses under appropriate State and local laws for the location of that establishment. Proposer must further provide a minimum of the most recent three (3) years of tax returns.

If the proposer is relying on any acquisition or merger for meeting the minimum qualifications requirement, the proposer shall clearly disclose such acquisition or merger. The proposer shall clearly explain how the acquisition or merger meets these minimum qualification requirements, including a description of each firm's experience.

Proposers must have never lost their license for cause.

Proposers must have never had a food service establishment closed or suspended due to health reasons.

Proposers must have never been found to have failed to pay all taxes due.

B.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form.
- b. Drug Free Work Place Certification (Attachment B).
- c. Public Contracting and Environmental Crimes Certification (Attachment C).
- d. Local Preference Law and Vendor Registration.

B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY

Tabs are required to identify each item defined in this Section B.03.

1. Description of the proposer's **background and size**. Provide a general statement of qualifications that includes your firm's professional credentials, the legal status of your organization, and experience in providing the service enumerated in this Request For Proposal.

2. Provide an **explanation of the business entity which you represent**. Specify the business entity which would be bound by a contract, should your firm be selected: company or corporation; subcontractor roles; and if a joint venture, include the specific experience that the joint venture partners have working together on similar projects.

This information must substantiate your ability to develop, furnish, equip, operate and maintain the concession in a high quality manner supporting the operations of Manatee County's Parks and Recreation Department.

3. Identify each **principal of the firm and other "key personnel"** who will be professionally associated with the County. Do not include personnel that will not have a role in this project. Describe their respective areas of expertise. Include personalized resumes which identify the qualifications, training and experience of each key personnel.
4. Submit a list of **Local subcontractors** that may be used. Identify each individual on your team and provide the following information:
 - Name
 - Professional credentials; Title; Telephone number
 - Office address
 - Email address
 - Brief description of the individual's role and duties for the Concession
 - Individual resume
5. **Specify the office location of the business entity** explained in response to item B.03, 2., which is to be the primary location of the principal and key personnel. List the key personnel at that location. For the remaining key personnel detail at what location(s) they will work from and how they will provide management or service or supply support from the locations that they will work from.
6. Submit a narrative **explaining the direct economic benefit to Manatee County to be realized by selecting your firm**. During the term of this engagement detail the revenue maximizing activities, employment, subcontracting, and support services contracting as economic stimulus that your entity may generate that would directly benefit Manatee County.
7. Provide a detailed phased explanation of the steps that you propose to take to accomplish the tasks from the start of the work stated in Section E, Scope of Services. Include with your assumptions when you expect the County to provide specific work or others not related to your direct effort and specify when these items would be required. This narrative is to be supplemented with a proposed schedule which gives your proposed duration of each of the key activities.

8. Provide a list, with **references, of your business entity's concession services experience** for the specific services that your firm is proposing. Specify which key personnel were responsible for the project. References given must specify employees in senior level management positions with knowledge of the project to confirm the claimed details. Include the name of the entity the work was completed for, a description of the concession services provided, the dates of service and the name(s) and telephone number(s) of the contact persons. This list shall be for both Governmental and Private clients for the past three (3) years.
9. Provide a list of the **contracts your business entity (response to item 2 in this section B.03) has obtained** within the past three (3) years, indicating the type of services provided and the locations. Provide a list of the contracts your business entity has lost in the past three (3) years and state the reason for the loss and the location.

If your business entity has limited experience, such as a joint venture created for this project, provide a narrative on how you anticipate the new partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. If submitting projects as support, include the level of detail on references requested in item 8 in this section B.03.

10. Describe any **changes in the mode of conducting business** your firm has made in the past three (3) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress.

B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF THE WI-FI CAFÉ.

Tabs are required to identify each item defined in this Section B.04.

1. Submit a **manning level statement** for this site and proposed service, detailing how many total employees work for your firm at any one time, including temporary, and part-time employees.
2. **Customer Service Commitment**
Submit a statement of customer service commitment with demonstration of your business entities experience in successfully implementing an effective customer service program. List prior customer service models that you have had direct responsibility for managing and examples of how customer satisfaction feedback was obtained by survey for those specific programs that you managed.

3. **Community Involvement Commitment**
Detail your commitment to modifying the hours of operation to service events or the expertise of staff to assist with such activities.
4. **Environmental Sustainability**
Detail what services, products, methods or actions that you propose to use in the operation of the concession that will maximize the ecology friendly or "green" impact of your business entity when operating the concessions.
5. **Marketing and Advertising**
Detail your proposed marketing and advertising plans, including methodologies, media to be used, and schedules. The costs of the proposed marketing and advertising are to be shown separately in the projected budget.
6. Submit an **Hours of Operational Plan** describing the standard hours of operation plus expected seasonal variances explicitly describing the commencement and duration of such variances.
7. Submit a list of **equipment to be provided by your firm** exclusively at your firm's expense for this contract undertaking. Provide a statement detailing the source from where the equipment will be made available (i.e., existing inventory within Manatee County, new purchase(s), transfer from other firm or service locations, etc.).
8. Detail the **time required from the date of execution of the agreement to the commencement of service** at the facility. Specifically describe the amount of time required to prepare the facility after the current licensee has removed all of their property from the premises. Include potential less than full service options which may be used to facilitate a transfer of Licensees.
9. Submit your firm's **assumptions regarding the budgetary projections** on the volume of sales to be generated in the first year for the following categories of service:
 - 1) Food and Beverage
 - 2) Vending machines
10. Submit a **Five Year Projected Budget** with projected sales, revenue to Manatee County, expenses, and net income.

Include a detailed description of the proposed services to be provided by the concession operation.

The submitted budget should demonstrate and detail creativity and variety in the selection of menu items, including healthy choices and merchandise available for purchase if proposed.

Include a price schedule for a representative sample of the products and services proposed. Provide a statement of your pricing policy to provide visitors to the park with quality products at reasonable prices considering the competition of comparable markets for similar products and services.

B.05 COMPENSATION PROPOSED FOR OPERATION OF THE WIFI CAFE

1. State the amount due monthly as the base payment to Manatee County.
2. State the percentage of total sales to be paid to Manatee County in addition to the monthly payment stated in B.05, 1 (_____ % of total gross sales > \$ _____ per annum).

B.06 Submit any additional information which would assist the County in the evaluation of your proposal.

NOTE: The County reserves the right to make such investigation and solicit additional information or submittals as it deems necessary to determine the ability of any proposer to perform the Scope of Services stated in this Request For Proposal

SECTION C: SELECTION

C.01 EVALUATION FACTORS

Evaluation factors are revenue proposals and demonstrated ability of the Proposer(s) to efficiently perform the Scope of Services as generally outlined in Section E of the Request for Proposal. The County will be seeking to identify the proposal(s) which provide the **Highest and Best** solution to operate: The Wi-Fi Cafe at G. T. Bray Recreation Center located at G. T. Bray Park as determined from the responses to this Request For Proposal and subsequent investigation.

C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

No weight has been assigned to the Evaluation Factors stated above. While overall compensation will be a factor in the County's assessment of proposals, it is conceivable the proposer with the highest quoted compensation may not be selected for the negotiations of an agent, if competing proposals are deemed to provide better overall terms and benefits for the County.

C.03 PRELIMINARY RANKING

A Selection Committee may determine from the response to this Request for Proposal and subsequent investigation as necessary, the Proposers most susceptible of being selected for award.

C.04 IN-PERSON REVIEW OF PROPOSERS AND PROPOSALS

In-person reviews may be conducted with responsible Proposers who are deemed reasonably susceptible of being selected for award, for the purposes of assuring full understanding of (a) conformance to the solicitation requirements, (b) the abilities of the Proposer, and (c) the proposal submitted.

Proposers shall be available for presentation/interviews, to the Selection Committee upon notification from the Purchasing Office. The date(s) and time(s) of any such presentation/interviews shall be determined solely by the County

C.05 SELECTION FOR NEGOTIATION

The Proposer, whose ability and proposal is determined to be the **Highest and Best** proposal that is most advantageous to the County, taking into consideration the evaluation factors set forth in this Request for Proposal, shall be selected to negotiate an agreement for the County determined Scope of Services.

C.06 AWARD

Award of an agreement is subject to the successful negotiations and the vote of the Board of County Commissioners to authorize execution of the agreement.

SECTION D: NEGOTIATION OF THE AGREEMENT

D.01 GENERAL

The following general terms and conditions apply to the proposal submitted for consideration and the subsequent negotiations:

- a. The proposal will serve as a basis for negotiating an agreement.
- b. Upon submission, all proposals become the property of the County which has the right to use any or all ideas presented in any proposal submitted in response to this Request For Proposal whether or not the proposal is accepted.
- c. All products and papers produced in the course of this engagement become the property of the County upon termination or completion of the engagement.

D.02 AGREEMENT

The selected proposer shall be required to negotiate an agreement, in a form and with provisions acceptable to Manatee County.

It is anticipated that the negotiated Agreement will be for an initial term of up to three (3) years from the effective date of the Agreement, with the possibility of one (1) or more extensions for such periods and such compensation as may be agreed.

The Board of County Commissioners will be presented the negotiated agreement as a best offer for consideration of award. The Manatee County Board of County Commissioners shall determine whether to (a) accept the recommended award and approve the execution of an agreement, (b) reject the recommended award and direct further negotiations, (c) reject the recommended award and direct the termination of negotiations, or (d) take other appropriate action as may be in the best interests of the County, to include negotiations with lower-ranked proposers.

SECTION E: SCOPE OF SERVICES

E.01 BACKGROUND

The Parks and Recreation Department is interested in contracting with a qualified vendor through competitive proposals from qualified parties to provide, operate and manage a Wi Fi Café Concession at G. T. Bray Park. A new facility (\$3,351,061.00) is currently being constructed and once the new building is completed, the entrance to the Pool, Splash Park, Teen and Game room, Racquet Center, Gymnasium and Work-Out Room and Activity Center will all pass by this small but prominent concession area. Additionally, all reservations and most league fees will be taken at the adjacent reception desk. The busiest Skateboard Park in the County is also located on the campus. The new building will also have conference and special event rooms, administrative offices, men's and ladies locker rooms, a Retail Pro Shop, and complete security. This new center will be open from 7am to 9pm, Monday – Thursday; 7am – 7pm Friday; 7am – 4pm Saturday and Sunday. G. T. Bray Park is open to the public from dawn to 10:00pm 365 days a year.

G. T. Bray Park is located at 5502 33rd Avenue Drive West, Bradenton, Florida (as indicated with the letter "A" on the attached aerial photograph, Exhibit 1). The Park is approximately 140 acre, well developed Park, located in the western part of the County with entrances off 59th and 51st streets. It is an active park that is used year round.

Exhibit 2 provides a drawing of the new Administration Facility.

Special events and other activities are numerous and could represent significant sales opportunities. Additionally, the successful vendor would have competitive opportunities for events and activities planned in the buildings and public spaces. Other opportunities for additional vendor revenue streams could be swim meets, County sponsored events and activities.

The new Parks and Recreation Administration building will be a two story structure that will be the year round main access for the G. T. Bray Pool, Water Park and Gymnasium facilities. It will also house the new Activity Center, Teen Game Room, Meeting, Class and Activity Rooms, administrative office space (upstairs), a small Pro-Shop; After School Care program and staff; School Break and Summer Camp programs and staff and Fitness Center. During the peak season (April through October) it is estimated that daily Parks and Recreation patron traffic could ray as high as one thousand plus (1,000+) through the building. This audience will have limited choices for food and beverage service while visiting the facilities.

All proposers are informed that the public food services establishment located at G. T. Bray is governed by a combination of legislative enactments and departments,

to include: Laws of Florida, Florida Department of Business and Professional Regulation Division of Hotels and Restaurants, and Manatee County Code Chapter 2-24.

E.03 SCOPE for the WI-FI CONCESSIONS

The following is a general framework of services to be provided by the vendor. The vendor must describe, in detail, their understanding of the scope of services required by this project. Candidates are strongly encouraged to illustrate the uniqueness and quality of their food and services that would set them apart from all other vendors.

The WIFI Café will itself be located immediately adjacent to the main entrance check-in counter, on the first floor, and will be an internet cafe space with electric, water and hand washing area provided, from which the Department would like to see the selected vendor offer prepackaged foodstuff (healthy options), coffee, soft drinks and shakes. Cleaning materials and paper stock storage are conveniently located and ample bathrooms are steps away. Our expectation would be the selected vendor would provide all necessary appliances, storage and cleaning equipment, staff and stock the exclusive commercial operation of a small cafe at the strategic location.

Exhibit 3 provides a proposed floor plan for the Wi-Fi Café.

The selected vendor will provide the following:

- Bistro table & chairs
- Microwave
- Trash receptacles
- Display case
- Refrigeration
- Paper goods
- Ice Machine
- Cash Register
- Display menu
- Plastic ware
- Appropriate liability insurance
- Staffing – all staff would have to pass a background check and be bondable
- Appropriate uniforms would be required clearly identifying the vendor's staff with name and vendor logo
- Minor maintenance (vendor used space painting and cleaning)
- Removal of trash and litter with daily cleanup
- Financial Statement reviewed by a CPA annually
- Repair and maintenance on all vendor provided equipment

- Provide County Parks and Recreation Financial Management staff monthly sales and expense reports.
- Begin delivery and operations, as practicably feasible, by or shortly after the opening of the Manatee County Parks and Recreation Administration/Activity Center at G. T. Bray on August 15, 2010 (or later if negotiated and agreed to by the County).
- Mark all food items with date/time prepared and replace all unsold food items within 48 hours.
- Offer sensibly priced professional food service.
- Provide, at Proposer's expense, all food, beverages, and other items to be sold in the cafeteria.
- Obtain the appropriate licenses and permits to operate a food concession, and allow any inspections by city, county and state authorities.
- Meet or exceed the safety requirements for food concessions by city, county and state authorities.
- Operate in vendor's own name and not in the name of the county.
- Adhere to all pertinent laws and ordinances.
- Provide all equipment and maintain in clean and proper operating condition.
- Proposer's employees must conduct themselves in a professional and courteous manner at all times.
- Maintain the prescribed levels of insurance.
- Provide information signage in both locations, including name of business and phone number, to direct the public for refunds and notification of equipment problems.
- Resolve issues with the Department of Health at the vendor's expense.
- Cooperate with Property Management staff and Security staff in maintaining a safe and clean environment for patrons.
- All machines, appliances, equipment, cabinetry and work surfaces will be provided by the Proposer. Such items will be the personal property of the Proposer and will be removed by the Proposer upon termination or expiration of the resulting agreement. The Proposer's personal property shall not be attached to or made a permanent fixture in the building.

The selected vendor's menu might include but is not limited to:

- Ice Cream
- Chips
- Bagels & Cream Cheese
- Smoothies
- Cappuccino
- Lattes
- Canned Drinks
- Flavored and Regular Coffee
- Prepackaged Cookies

- Candy
- Various Teas
- Sandwiches
- Health snacks
- Power Drinks

Items to be negotiated and/or considered:

- Establishment of hours of operation
- Performance Bond
- Menu and pricing
- A chain style coffee kiosk might be considered
- Contract lease period
- No alcohol sales are allowed
- Vendor would only sell food and beverage products
- **Termination for Public Convenience:** In addition to other termination clauses, specific text shall be included to allow Manatee County to terminate the agreement for public convenience. The composition of the text shall take into consideration any fixed equipment or facility enhancements as Capital Investment made by the Concessionaire as of the date of the termination.
- **Disclosure of Ownership** and any change to ownership in excess of 10% of the rights of the Concessionaire during the term of the contract.
- **Written and fully Executed Amendments required.** No change to the terms of the agreement shall be enforceable or effected unless the change has been presented in writing, considered by the County, and a written addendum to the agreement executed by both parties has been completed.
- **Prohibition of any assignment, pledging, transferring or encumbrance of any interest that is the responsibility of, or income due to the Concessionaire in performance of this agreement.** Termination of this contract by Manatee County shall be automatic and irrevocable upon such action by the concessionaire.

The County will provide:

- Wi-Fi
- Security
- Bathroom cleaning
- Electric Loading Dock Access
- Pest Control
- Lighting Fixtures
- Dumpster
- Bathroom paper supplies
- Water
- Advertising space on the Departments website at no cost
- Advertising on selected flyers

- Advertising in the quarterly Parks and Recreation program booklet at no cost
- Limited outside advertising at vendors cost
- Fire suppression and alarm system
- The County would maintain all major building operations systems (air conditioning, plumbing, trash and refuse disposal facilities)

SECTION F

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION**F.01 Vendor Registration**

All vendors are encouraged to register with Manatee County using the on-line "Vendor Registration" web page on www.mymanatee.org.

Enclosed is a copy of the current Manatee County law that details the County's Local Preference and definition of a Local Business.

If you assert that your firm meets the stated definition of a Local Business, we ask that in addition to registering on the County's Web page, you fill out the attached "**Affidavit As To Local Business Form**" that is the **last page** in this section of the proposal, have the completed document notarized, and mail the original to the following address: Manatee County Administration Center, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205.

Your cooperation in registering your business with Manatee County will enhance our opportunities to identify sources for goods and services, plus identify Local Businesses. This information is used for soliciting quotations up to \$250,000.00 and for competitive solicitations of larger purchases.

You will note that Manatee County collaborates with the Manatee Chamber of Commerce, posting bids on www.manatee-chamber.com as well as using the same vendor categories for registration. Our staff can assist you with your registration as needed. Our office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday on regular business days. Please call (941) 749-3014 if you wish to have a purchasing staff member assist you.

Quick steps to on line registration: **www.mymanatee.org**

A link to "Purchasing" is listed under the "Quick Links" on page one of this County Web Site. On the left hand side of the Purchasing Web page, click on "Vendor Registration."

This will bring up the Vendor Registration form for on-line input. Please note that the definition of a "Local Business" changed on March 17, 2009. The Web page will be updated to include the current Law which has been provided in this section of the **proposal**.

Thank you for reviewing this information and considering registering your business with Manatee County. Registration is not mandatory; however, by taking the time to register, you are helping the County to provide timely notifications of quotation, bid, and proposal opportunities to your business.

MANATEE COUNTY LOCAL PREFERENCE LAW AND VENDOR REGISTRATION

02 Section 2-26-6. Local preference, tie bids, local business defined.

(a) Whenever a responsible local business bidder and a responsible non-local business bidder are found, upon the opening of bids, to have both submitted the lowest responsive bid, the bid of the local bidder shall be awarded the contract. Should more than one responsible local business bidder match the responsible non-local business bidder's lowest responsive bid, or should not responsible local business bidder match the lowest responsive bid but two or more responsible non-local business bidders submit lowest responsive bids for equal amounts, then the award of the contract shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the purchasing office and open to the public. Any bidders seeking to be recognized as local businesses for purposes of this local business preference provision may be required by the terms of the bid announcement to certify they meet the definition of local business set forth in this section, and to register as a local business with the county in the manner prescribed by the county to facilitate the county's ability to track the award of contracts to local businesses and to allow the county to provide future notifications to its local businesses concerning other bidding opportunities.

(b) Nothing herein shall be deemed to prohibit the inclusion of requirements with respect to operating and maintaining a local place of business in any invitation for bids when the bidder's location materially affects the provisions of the services or supplies that are required by the invitation.

(c) Local business is defined as a business legally authorized to engage in the sale of the goods and/or services to be procured, and which certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one full-time employees at that location.

(d) Each solicitation for bids made by the county shall contain terms expressly describing the local business preference policies of the county, and shall provide that by electing to submit a bid pursuant to a request for bids, all bidders are deemed to understand and agree to those policies.

(e) For all contracts for architecture, professional engineering, or other professional services governed by Florida Statute § 287.055, the Consultants' Competitive Negotiation Act, the county shall include the local business status of a firm among the factors considered when selecting which firms are "most highly qualified." In determining which firm is the "most qualified" for purposes of negotiating a satisfactory contract, preference shall be given to a local business where all other relevant factors are equal.

(f) Local preference shall not apply to the following categories of contracts:

1. Goods or services provided under a cooperative purchasing agreement or similar "piggyback" contract;
2. Contracts for professional services subject to Florida Statute § 287.055, the Consultants' Competitive Negotiation Act, except as provided for in subsection (e) above;
3. Purchases or contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;

02 **Section 2-26-6. Local preference, (CONTINUED)**

4. Purchases or contracts made pursuant to a non-competitive award process, unless otherwise provided by this section;

5. Any bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the county commission or county administrator, or where such suspension is, in the opinion of the county attorney, required by law.

(g) To qualify for local preference under this section, **a local business must certify to the County that it:**

1. Has not within the five years prior to the bid announcement admitted guilt or been found guilty by any court or state or federal regulatory enforcement agency of violation of any criminal law, or a law or administrative regulation regarding fraud;

2. Is not currently subject to an unresolved citation or notice of violation of any Manatee County Code provision, except citations or notices which are the subject of a current legal appeal, as of the date of the bid announcement;

3. Is not delinquent in the payment of any fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, except any such sums which are the subject of a current legal appeal.

Ref: Ordinance 09-21 and 09-23 **PASSED AND DULY ADOPTED** in open session, with a quorum present and voting, on the 17th day of March, 2009.

MANATEE COUNTY GOVERNMENT AFFIDAVIT AS TO LOCAL BUSINESS

(Complete and Initial Items B-F)

A. Authorized Representative

I, [name] _____, am the [title] _____ and the duly authorized representative of: [name of business] _____, and that I possess direct personal knowledge to make informed responses to these certifications and the legal authority to make this Affidavit on behalf of myself and the business for which I am acting; and by electing to submit a **proposal** pursuant to this **Request For Proposals**, shall be deemed to understand and agree to the local business preference policies of Manatee County; and that I have the direct knowledge to state that this firm complies with all of the following conditions to be considered to be a Local Business as required by the Manatee County Code of Law, Section 2-26-6.

B. Place of Business: I certify that the above business is legally authorized to engage in the sale of goods and/or services and has a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one (1) fulltime employee at that location. The physical address of the location which meets the above criteria is: _____ [Initial] _____

C. Business History: I certify that business operations began at the above physical address with at least one fulltime employee on [date] _____ [Initial] _____

D. Criminal Violations: I certify that within the past five years of the date of this **proposal** announcement, this business has not admitted guilt nor been found guilty by any court or local, state or federal regulatory enforcement agency of violation of any criminal law or administrative regulation regarding fraud. [Initial] _____

E. Citations or Code Violations: I certify that this business is not currently subject to any unresolved citation or notice of violation of any Manatee County Code provision, with the exception of citations or notices which are the subject of a legal current appeal within the date of this **proposal** announcement. [Initial] _____

F. Fees and Taxes: I certify that within this business is not delinquent in the payment of fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, with the exception of those which are the subject of a legal current appeal. [Initial] _____

Each of the above certifications is required to meet the qualification of "Local Business" under Manatee County Code of Law, 2-26-6.

Signature of Affiant _____

STATE OF FLORIDA
COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this ____ day of _____, 20____, by (name of person making statement).

(Notary Seal) Signature of Notary: _____

Name of Notary (Typed or Printed) _____

Personally Known ____ OR Produced Identification ____ Type of Identification Produced _____

Submit executed copy to Manatee County Purchasing, Suite 803, 1112 Manatee Avenue W., Bradenton, FL 34205

PROPOSAL SIGNATURE FORM

RFP #10-1368FL

Firm Name

Mailing Address:

() _____
Telephone Number

City, State, Zip Code

The undersigned attests to his or her authority to submit this proposal and to bind the firm herein named to perform the services offered in a two party agreement. If the firm is selected by the County the undersigned certifies that he/she will negotiate in good faith to establish a license agreement to operate within the specified County Facilities and to provide the selected services as may determined by the County which are detailed in this RFP #10-1368FL.

Signature

Witness Signature

Date: _____

Date: _____

Name and Title of Above Signer

Name and Title of Above Signer

Name and Title of Firm's Representative for Manatee County

Telephone Number of Firm's Representative for Manatee County

ATTACHMENT "A"

Drug Free Work Place Certification

SWORN STATEMENT PURSUANT TO RESOLUTION R-93-22, ON DRUG FREE WORK PLACES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by:

_____ for _____
[print individual's name and title] [print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____ (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____)

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it will provide a drug free work place by:

(1) providing a written statement to each employee notifying such employee that the unlawful manufacture, distribution, dispensation, possession or use of a controlled substance as defined by §893.02(4), Florida Statutes, as the same may be amended from time to time, in the person's or entity's work place is prohibited specifying the actions that will be taken against employees for violation of such prohibition. Such written statement shall inform employees about:

- (i) the dangers of drug abuse in the work place;
- (ii) the person's or entity's policy of maintaining a drug free environment at all its work places, including but not limited to all locations where employees perform any task relating to any portion of such contract, business transaction or grant;
- (iii) any available drug counseling, rehabilitation, and employee assistance programs; and
- (iv) the penalties that may be imposed upon employees for drug abuse violations.

(2) Requiring the employee to sign a copy of such written statement to acknowledge his or her receipt of same and advice as to the specifics of such policy. Such person or entity shall retain the statements signed by its employees. Such person or entity shall also post in a prominent place at all of its work places a written statement of its policy containing the foregoing elements (i) through (iv).

(3) Notifying the employee in the statement required by subsection (1) that as a condition of employment the employee will:

- (i) abide by the terms of the statement; and
- (ii) notify the employer of any criminal drug statute conviction for a violation occurring in the work place no later than five (5) days after such a conviction.

(4) Notifying the County within ten (10) days after receiving notice under subsection (3) from an employee or otherwise receiving actual notice of such conviction.

(5) Imposing appropriate personnel action against such employee up to and including termination; or requiring such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(6) Making a good faith effort to continue to maintain a drug free work place through implementation of sections (1) through (5) stated above.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT:

- (1) Such person or entity has made false certification.
- (2) Such person or entity violates such certification by failing to carry out the requirements of sections (1), (2), (3), (4), (5), or (6) or Resolution R-01-36 Section 4, E (1) (a) or
- (3) Such a number of employees of such person or entity have been convicted of violations occurring in the work place as to indicate that such person or entity has failed to make a good faith effort to provide a drug free work place as required by Resolution R-01-36 Section 4, E (1) (a).

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____ by _____.

Personally known _____ OR Produced identification) _____
(Type of identification)

Notary Public Signature My commission expires _____

[Print, type or stamp Commissioned name of Notary Public]

ATTACHMENT "B"

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

**SWORN STATEMENT PURSUANT TO ARTICLE 6,
MANATEE COUNTY PURCHASING CODE**

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by _____
[print individual's name and title]

_____ for _____
[print name of entity submitting sworn statement]

whose business address is: _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____. If the entity has no

FEIN, include the Social Security Number of the individual signing this sworn statement: _____

I understand that no person or entity shall be awarded or receive a county contract for public improvements, procurement of goods or services (including professional services) or a county lease, franchise, concession or management agreement, or shall receive a grant of county monies unless such person or entity has submitted a written certification to the County that it has not:

(1) been convicted of bribery or attempting to bribe a public officer or employee of Manatee County, the State of Florida, or any other public entity, including, but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's official capacity; or

(2) been convicted of an agreement or collusion among bidders or prospective bidders in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise; or

(3) been convicted of a violation of an environmental law that, in the sole opinion of the County's Purchasing Director, reflects negatively upon the ability of the person or entity to conduct business in a responsible manner; or

(4) made an admission of guilt of such conduct described in items (1), (2) or (3) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution. An admission of guilt shall be construed to include a plea of nolo contendere; or

(5) where an officer, official, agent or employee of a business entity has been convicted of or has admitted guilt to any of the crimes set forth above on behalf of such and entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors. For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

ATTACHMENT "B"

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgement has been reversed by a court of competent jurisdiction, shall prove the same with documentation satisfactory to the County's Purchasing Director. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with the County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR THE COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this _____ day of _____, 20____ by _____.
Personally known _____ OR Produced identification _____
[Type of identification]

Notary Public Signature My commission expires _____

[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.

Skate Park

Location of New Administration building

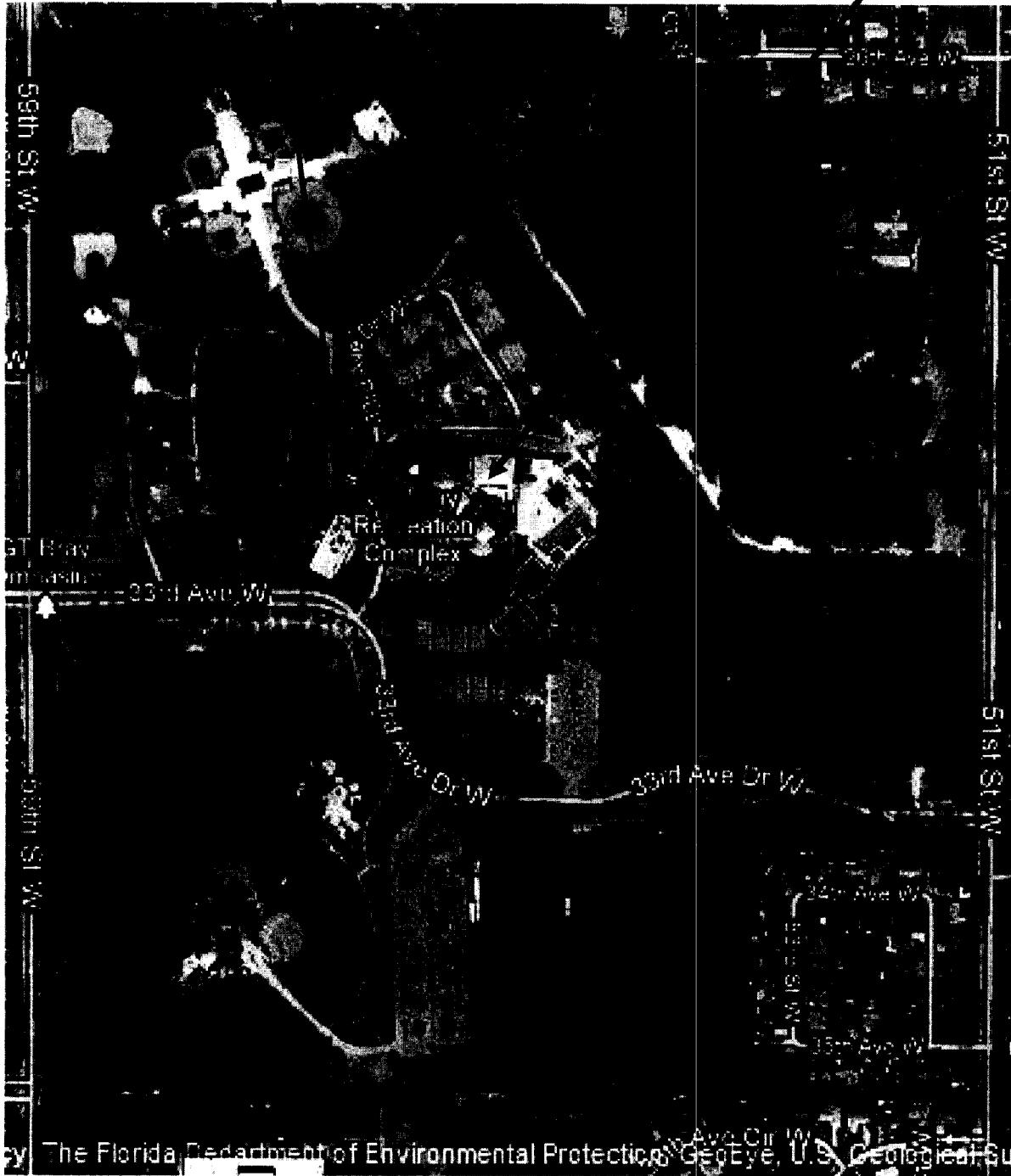


EXHIBIT "2"

Proposed Administration Building
G.T. Bray Recreation Center



O'Brien Architects, P.A.
A.A. 8000-413
1111 T. BRAY BLVD.

EXHIBIT "3"

