

**REQUEST FOR PROPOSAL #10- 0620-MA**  
**Concessions at County Facilities on Coquina Beach**

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 Park's patrons at Coquina Beach, including a "build out" of renovated facilities. The contract period would begin July 20, 2010

To ensure that all prospective proposers have sufficient information and understanding of the County's needs, a **Non- Mandatory SITE VISIT AND INFORMATION CONFERENCE** will be held on December 16, 2009, at 3:30 PM, or soon thereafter, at Coquina County Public Beach Concession, 3650 Gulf Drive South, Bradenton Beach, Florida. All proposers are encouraged to attend this information conference.

DEADLINE FOR CLARIFICATION REQUESTS: January 4, 2009 at 5:00 PM 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.

TIME AND DATE DUE: **Proposals will be received until 4:00 PM on January 15, 2010**, at which time they will be **publicly opened**. All interested parties are invited to attend this opening.

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A CD of pictures of the facility and the adjacent park amenities is available upon request. Please contact the Manager below to obtain a copy of that CD at no cost.

**Important note: A prohibition of Lobbying has been enacted. Please review paragraph A.17 carefully to avoid violation and possible sanctions.**

**FOR INFORMATION CONTACT:**

Melissa Assha, Contract and Buyer Manager, PHONE (941)749-3056, FAX (941)749-3034  
Manatee County, Financial Management Department, Purchasing Division

REQUEST FOR PROPOSAL #10-0620-MA  
Concessions at County Facilities on Coquina Beach

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 you do not have it.

**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 (7) 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**

**January 4, 2009 at 5:00 PM** 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.

**A.05 SEALED & MARKED**

**One signed Original (marked) and Five (5) copies** of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #10-0620-MA**" 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. 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.14 COLLUSION (continued)

- 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 "B"**

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 "C"**

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.

Proposers must provide evidence of a minimum of three (3) years concession experience, with a CPA certified report of the profit and loss for each location.

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, YOUR BUSINESS ENTITY

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 world class beach.

Include a disclosure of any circumstance in which any of the proposer's officers, directors, executives, partners, shareholders, employees, members or agents who are active in the management of the proposer's firm and who are **also active in any other entity** which provides "public food service establishment services" similar to those requested in this Request for Proposals. Provide names of each individual, the position held and the entity's name and the circumstances.

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

**B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY** Tabs are required to identify each item defined in this Section B.03, YOUR BUSINESS ENTITY (continued)

While the County will not prohibit a Proposer's **Sub-Leasing** a portion of the facility to a third party, such sub-leases must be able to meet, at a minimum, the following criteria:

- The term of any sub-lease cannot exceed the term, or any remaining portion thereof, of the Proposer's concession agreement.
  - Proposer will be required in any concession agreement to provide copies of all executed sub-leases to the County's contract manager.
  - All sub-leases shall state in their text that Manatee County is a third-party beneficiary to such sub-lease, with the right to assert legal standing in any court action to enforce any term or condition of the main concession agreement or any sub-lease entered pursuant to that agreement.
  - All sub-leases must contain language confirming the sub-lessee knows, and is required to comply with, all of the terms and conditions of the concession agreement, as they would otherwise apply to the Proposer, including but not limited to insurance requirements and the authority of the County to examine and audit books and records.
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.

**B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY**  
Tabs are required to identify each item defined in this Section B.03, YOUR BUSINESS ENTITY

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**, inclusive of the interaction of any separate service firm for the operation of any concessions offered.

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 five (5) 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 five (5) years, indicating the type of services provided and the locations. Provide a list of the contracts your business entity has lost in the past five (5) 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 five (5) years, including any mergers, acquisitions, consolidations, downsizing or bankruptcy proceedings or filings. Disclose any such changes that are currently in progress.

**B.03 INFORMATION TO BE SUBMITTED REGARDING YOUR BUSINESS ENTITY**

Tabs are required to identify each item defined in this Section B.03, YOUR BUSINESS ENTITY

- 11 **Provide authorization for a Manatee County auditor to have access to your financial records at the primary location of the business entity** explained in response to item B.03, 2 for the purposes of review and investigation of the financial capacity of your business entity to meet the financial assertions given in your proposal to Manatee County. The Manatee County Auditor will certify the findings in a summary report to Manatee County which will be public record.
12. Submit a detailed **Quality Assurance statement** to demonstrate the level of quality that is being proposed will either meet or exceed current quality standards in terms of food and beverage, customer service, cleanliness, safety and atmosphere.

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF  
THE COQUINA BEACH CONCESSION**

Tab's are required to identify each item defined in this Section B.04

Based upon the explicit information provided by the County in this document, specifically including planned modifications to the facilities with specific dates for the work and the proposed build out of the renovated facility, provide the following detail for hat location and service only:

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, seasonal and part-time employees. List the ratios of full-time employees to part-time, temporary and seasonal employees.
2. **Traditional Character to be Maintained.**  
Proposers should factor in to their proposals the desire by the County to maintain the facility's "feel" as traditional, non-chain franchise, and beach-oriented in character. To this end, while the County will examine franchise-based operations, such proposals shall discuss the franchise's willingness and legal ability to alter standard franchise designs, construction, layout, lighting and signage.
3. **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.
4. **Community Involvement Commitment**  
Submit a plan and commitment to creating added value and benefits to the surrounding community and to park visitors. Detail proposed partnerships with Manatee County to provide special events, educational programs, and community service activities. Detail your commitment to modifying the hours of operation to service events or the expertise of staff to assist with such activities.

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF THE COQUINA BEACH CONCESSION**

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

**5. 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.

**6. 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.

**7. 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.

**8. 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.).

**Note:**

Manatee County's facilities plan has included an intention to completely renovate the existing concession stand structure on the same footprint and subject to the same overall height and other size limitations as apply to the current structure. However, given the County's intent to seek proposals concerning concession operations to occur on this property, the County will proceed only with renovation of exterior structural systems, and such interior renovations as will make the structure "build out ready" once a successful proposer is selected and a build out design determined. Proposers should therefore examine the planned unfinished interior space and include in their proposals how the interior would be built out to suit the underlying proposals.

Proposers shall also indicate their willingness to undertake all or a significant portion of the interior build out costs and discuss how undertaking such costs will impact other business terms proposers may seek.

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF  
THE COQUINA BEACH CONCESSION**

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

9. 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.
  
10. 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 given as response to item 11 in this section B.04:
  - 1) Food and beverage (excluding alcoholic beverages)
  - 2) Vending machines
  - 3) Sundry items and auxiliary services including any rental items which must be detailed in the operational plan such as:  
Beach chairs  
Umbrellas  
Beach bikes  
Portable food, beverage or sundry vending carts  
Kayaks
  - 4) Souvenirs (include price ranges and general descriptions)
  - 5) Alcoholic beverages (specify beer, wine, etc.) NOTE no current license or City of Bradenton Beach approval for such service exists
  - 6) Proposers willingness to undertake all or a significant portion of the interior build out costs

**B.04 INFORMATION TO BE SUBMITTED REGARDING PROPOSED OPERATION OF  
THE COQUINA BEACH CONCESSION**

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

11. 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 services and products offered should meet or exceed the needs of the park users, and be compatible and complimentary to the mission of the park.

Describe your firm's plan or proposal for **capital improvements** to complete the build out or renovations to the facilities. Manatee County intends to completely renovate the existing concession stand structure on the same footprint and subject to the same overall height and other size limitations as apply to the current structure. The County will proceed only with renovation of exterior structural systems, and such interior renovations as will make the structure "build out ready". Proposers should therefore examine the planned unfinished interior space and include in their proposals how the interior would be built out to suit the underlying proposals. State the amount of the proposer's capital investment to undertake all or a significant portion of the interior build out costs.

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

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.

Details shall include projected sales by product type (sundries, food non-alcoholic beverages, alcoholic beverages, rentals, etc) and provide information on assumptions and projections used in the formulation of the budget. This information should represent the application of sound business principles which provide for continuity of operations, unanticipated expenses, steady cash flow and financial responsibility.

B.05 COMPENSATION PROPOSED FOR OPERATION OF THE COQUINA BEACH CONCESSION

Regarding all sales records, expense costs, and business transactions related to this agreement, the following shall be a condition of the contract:

- Books and Records for this facility must be separately kept, and income and expenses cannot be co-mingled with other enterprises.
- All Books and Records shall be open for the County Auditor to inspect at any time

B.06 PROPOSAL FOR OPERATION OF THE COQUINA BEACH FACILITY INCLUDING CAPITAL INVESTMENT

Propose a complete offer for any use of the facility, investment in the facility, term of the agreement and renewals, and an income to the County including the County share of profit.

1. Detail the proposed use of the space at the Coquina Beach Facility.
2. Detail the proposed Capital Investment in the Coquina Beach Facility with proposed timelines for the investment and graphic illustrations.

Examine the planned unfinished interior space and include in their proposals how the interior would be built out to suit the underlying proposals. State the amount of the proposer's capital investment to undertake all or a significant portion of the interior build out costs.

3. Propose an initial term of the contract and renewal options.
4. Propose a schedule of income to the County.  
The income should include profit sharing with the County based upon annual sales.
5. Present and explain any additional conditions proposed in this Proposal. Specifically detail how the Proposers undertaking the costs of all or a significant portion of the interior build out costs will impact other business terms that the proposer may seek.
6. Propose a five (5) year projected budget for this Free Form Proposal including the level of detail specified in B.04 item 5.

B.07 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

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## SECTION C: SELECTION

### C.01 EVALUATION FACTORS

Evaluation factors are price and demonstrated ability of the proposer(s) to efficiently perform the Scope of Services as generally outlined in Section E of this Request For Proposals. The County will be seeking to identify the proposal(s) which provide the **Highest and Best** solution to operate: food concession areas at County Park Facilities located at at Coquina Beach and a gift shop located at Coquina Beach as determined from the responses to this Request For Proposals and subsequent investigation.

### C.02 RELATIVE IMPORTANCE OF EVALUATION FACTORS

While overall compensation will be a significant factor in the County's assessment of proposals, it is conceivable that the proposer with the Highest quoted compensation to the County may not be selected for negotiation of an agreement if competing proposals are deemed to provide better overall terms and benefits for the County.

### C.03 PRELIMINARY RANKING

A Selection Committee shall determine from the responses to this Request For Proposals and subsequent investigation as necessary, the proposer(s) 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 presentations to and interviews with the Selection Committee, upon notification from the Purchasing Office. The date(s) and time(s) of any such presentations / interviews shall be determined solely by the County.

SECTION C: SELECTION

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 Proposals, shall be selected to negotiate an agreement for the County determined Scope Of Services.

While overall compensation will be a significant factor in the County's assessment of proposals, it is conceivable that the proposer with the highest quoted compensation to the County may not be selected for negotiation of an agreement if competing proposals are deemed to provide better overall terms and benefits for the County.

The selection of a proposer for negotiation shall not be construed as vesting any contractual or other rights of any nature in the proposer.

C.06 AWARD

Award is subject to the successful negotiation of an agreement covering both services and rates, and the vote of the Board of County Commissioners to approve and authorize execution of an agreement document.

## 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.

The term of the agreement shall be negotiated. Specifically detail how the Proposers undertaking the costs of all or a significant portion of the interior build out costs will impact other business terms that the proposer may seek

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

Manatee County is considering an award of a **limited contract** beginning July 20, 2010 to operate specific County Park Facilities which includes:

**Food concession at Coquina Beach**, located at 3650 Gulf Drive South, Bradenton Beach, Florida, as depicted in Exhibit A.

Recently, adjacent beaches claimed over two million park visitors a year. Verifiable figures for attendance at these two parks are not available.

All proposers are informed that the public food services establishments located at the Park Facilities, located at Coquina Beach, Manatee County, Florida, are 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, Florida Department of Environmental Protection, Manatee County Code Chapter 2-24, plus any applicable laws of the City of Holmes Beach.

Historical Business Information:

Concessions Receipt and Utility Reports: While the historical records of the current operations may not have particular relevance to new proposals contemplating differing services and improved expense controls, the County will provide for inspection by proposers of such historical reports to the extent it possess them, upon request.

## SECTION E: SCOPE OF SERVICES

### E.02 PLANNED CHANGES TO THE FACILITIES

The following are planned Capital Improvements at the Coquina Beach Park Facilities in the calendar year 2010:

#### Directly effecting the Concession: **Coquina Beach Concession Stand**

##### **Scope:**

Major remodel / rebuild of existing concession stand structure and interior build out, bringing it up to current codes. This will include a plan for replacing both the attached restrooms and the free standing restroom adjacent to the concession site.

##### **Status / Time line: GOAL September 2010**

Design work for the structure rebuild and interior build out is being engaged. This work includes the extensive permitting required for this coastal area.

Note three (3) adjacent projects are included in the current design work

Design work should take approximately 2-3 months, permitting 1-2 months, and 4-6 months for construction. In general terms the project should last about 1 year.

Manatee County's facilities plan has included an intention to completely renovate the existing concession stand structure on the same footprint and subject to the same overall height and other size limitations as apply to the current structure. However, given the County's intent to seek proposals concerning concession operations to occur on this property, the County will proceed only with renovation of exterior structural systems, and such interior renovations as will make the structure "build out ready" once a successful proposer is selected and a build out design determined. Proposers should therefore examine the planned unfinished interior space and include in their proposals how the interior would be built out to suit the underlying proposals. Proposers shall also indicate their willingness to undertake all or a significant portion of the interior build out costs and discuss how undertaking such costs will impact other business terms proposers may seek.

## E.02 PLANNED CHANGES TO THE FACILITIES

The following are planned Capital Improvements at the Coquina Beach Park Facilities in the calendar year 2010:

### Additional work in this park:

#### **Marine Rescue Headquarters**

**Scope:** Construct a 4,250 Square Foot Marine Rescue Headquarters Building, at the south end of Anna Maria Island. The primary use would be the storage of equipment, watercraft and vehicles utilized by Marine Rescue as well as the Manatee Sherriff's Office marine division. The building would also house offices in support of both Marine Rescue and MSO operations. The building is proposed to be built of Key West Style Architecture.

#### **Marine Rescue / MSO Dock**

**Scope:** Dock to be constructed on Coquina Bayside, immediately adjacent to the Marine Rescue Headquarters Building for storage of watercraft utilized by Marine Rescue as well as the Manatee Sherriff's Office marine division. The project consists of 8 boat slips with lifts.

**Status / Time line:** The target completion date is been set for December 30, 2009.

#### **Coquina Beach & Bayside Pavilions**

**Scope:** Rebuild or remodel of existing pavilions and construction of 2 new pavilions. 2 new prefabricated pavilions have been purchased for the far South end Beachside, and are in the permitting process, the construction is included with the purchase. All others are to get new roof structure as designed under the overall work assignment.

#### **Status / Time line: GOAL March 2010**

Design work is included with the scope of work for the concession stand, includes all of the amenities at both Coquina Beach and Bayside. This work includes the extensive permitting required for this coastal area.

Two new prefabricated pavilions have been purchased for the far South end Beachside, and are in the permitting process, the construction is included with the purchase and should begin in November 2009. For the remaining existing pavilions, design work should take approximately 1 month, permitting 1-2 months, and 1 month for construction. In general terms the project should last about 3-4 months.

## E.02 PLANNED CHANGES TO THE FACILITIES

The following are planned Capital Improvements at the Coquina Beach Park Facilities in the calendar year 2010:

### **Coquina Beach & Bayside Amenities**

**Scope:** Addition and replacement of Benches, Trash Receptacles, Picnic Tables & Water Fountains and installation of Sidewalks in accordance with Beach Trail Plan.

**Status / Time line:** **GOAL March 2010**

Product selections are in process between Property Management and Parks and Recreation. These will be purchased and then installed by Parks and Recreation. Installation will be continuous over the next 3-6 months.

### **Coquina Beach South Restroom**

**Scope:** Major remodel or rebuild of existing restroom, bringing it up to current codes.

**Status / Time line:** **GOAL June 2010**

Design work is included with the scope of work for the concession stand includes all of the amenities at both Coquina Beach and Bayside. This work includes the extensive permitting required for this coastal area.

Design work should take approximately 1 month, permitting 1-2 months, and 3-4 months for construction. In general terms the project should last about 6 months.

### **Coquina Bayside South Restroom**

**Scope:** Major remodel or rebuild of existing restroom, bringing it up to current codes.

**Status / Time line:** **GOAL September 2010**

Design work is included with the scope of work for the concession stand, includes all of the amenities at both Coquina Beach and Bayside. This work includes the extensive permitting required for this coastal area.

Design work should take approximately 1 month, permitting 1-2 months, and 3-4 months for construction. In general terms the project should last about 6 months.

**E.03 SCOPE for COQUINA BEACH CONCESSIONS**

The following generally describes the "Scope of Services" that the successful proposer will be responsible for.

The work consists of providing public food services as a concessionaire at the Coquina County Park Facility in compliance with all City, County, State and Federal Laws and any resulting agreement.

The food concession at the Coquina Beach, located in the city of Bradenton Beach does not have any license to serve Beer or Wine.

The County reserves the right to install no more than four (4) vending machines at the Coquina Beach site, if it so desires.

Sundry items and auxiliary services provided by the vendor and made available as part of the Concession as suggested in B.04, item 10. The proposer shall detail separately the percentage or rental revenues that will be paid to the County.

The County will expect the operator of the facility to:

- Operate the concession to the benefit of the general public beginning on or around July 20, 2010
- Provide continuation of traditional food items or services as identified by the County in B.04, item 2
- Perform all work with a minimum use of sub-contractors
- Operate the concession a minimum of seven (7) days per week, 365 days per year with the exception of weather events or other emergency conditions as defined by the County
- Present a plan of operations during the planned renovation to the Concession Structure
- Be licensed to operate a food concession
- Prepare all food on site or provide detailed planning to maintain service if the subcontractor cannot timely provide the food
- Obtain prior written approval from County's Contract Manager to provide amplified or non-amplified music in accordance with any and all applicable City or County ordinances;

SECTION E: SCOPE OF SERVICES

E.03 SCOPE for **COQUINA BEACH CONCESSIONS** (continued)

- Conduct a daily cleanup of concession, including all adjacent dining areas; dispose of trash, cardboard and recyclables; disposing of trash, cardboard and recyclables from concession operations into the County supplied dumpsters and bins.
- Select and train personnel who shall at all times, conduct themselves in a professional and courteous manner.
- Maintain the concession in good repair and in accordance with all applicable local, state and federal requirements.
- Confirm the willingness and ability to obtain and maintain any insurance required by the ultimate agreement.
- Conduct operations so that the impacts to the environment are mitigated as much as possible while also being in compliance with all regulations and ordinances in relation to sea turtles and nesting shore birds;

Optional Services: Cleaning and maintenance of the restrooms in the concession structure.

E.04 CONCESSIONAIRE FUNDED CAPITAL IMPROVEMENTS

Proposed concessionaire funded capital improvements or renovations to the facilities are to be specifically detailed in the proposed financial compensation to the County in the response to B.04 item 11 and B.06 item 5 of this Request For Proposals

E.05 CONTRACT TERMS

A two-party contract will be negotiated with the selected business entity and at a minimum shall contain specific terms such as:

The term of the agreement shall be negotiated. Specifically detail how the Proposers undertaking the costs of all or a significant portion of the interior build out costs will impact other business terms that the proposer may seek

**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.

## 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](http://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](http://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 AM to 5:00 PM, 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](http://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**

**F.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;

**F.02 Section 2-26-6. Local preference** (continued)

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;
  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 17<sup>th</sup> 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 #10-0620-MA

\_\_\_\_\_  
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 **limited contract rights** 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-\_\_\_\_\_.

\_\_\_\_\_  
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"**

**RESOLUTION R-93-22**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, IMPLEMENTING ¶3-101(7)3(1) OF THE MANATEE COUNTY PROCUREMENT CODE (ORDINANCE 84-02 AS AMENDED) TO ESTABLISH MINIMUM REQUIREMENTS FOR BIDDERS WITH RESPECT TO MAINTAINING A DRUG FREE WORKPLACE; REQUIRING WRITTEN CERTIFICATION TO THE COUNTY OF COMPLIANCE WITH THE REQUIREMENTS ESTABLISHED HEREIN; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Manatee County recognizes that substance abuse is a complex societal problem that continues to threaten the welfare of the residents and community; and

**WHEREAS**, the Board of County Commissioners considers substance abuse on the job to be an unsafe and counter-productive work practice; and

**WHEREAS**, consistent with its policy to promote a safe work environment and encourage personal health for all citizens of Manatee County, the Commission finds it necessary to combat substance abuse in the workplace by promoting education and awareness; and

**WHEREAS**, consistent with the Drug Free Workplace Act (§112.0455, Florida Statutes) and policies applicable to Manatee County employees pursuant to Resolution R-93-10, the Board of County Commissioners of Manatee County has determined that it is necessary and in the best interest of the County to adopt the drug free workplace requirements for persons or entities contracting with Manatee County; and

**WHEREAS**, ¶3-101(7)B of the Manatee County procurement Code (Ordinance 84-02, as amended) authorizes the adoption of requirements for maintaining a drug free workplace applicable to persons or entities bidding on contracts with Manatee County.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Manatee County, Florida, as follows:

1. **Certification Required:** No person or entity submitting a bid pursuant to ¶3-101 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, unless such person or entity has submitted a written certification to the county that it will provide a drug free workplace by:

- a. 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 in §893.02(4), Florida statutes, as the same may be amended from time to time, in the person's or entity's workplace 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 workplace;
  - (ii) the person's or entity's policy of maintaining a drug free environment at all its workplaces, 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.
- b. 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 workplaces a written statement of its policy containing the foregoing elements (i) through (iv).
- c. 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 workplace no later than five (5) days after such a conviction.

- d. At all times pertinent to the performance of any contract with Manatee County, notify the county within ten (10) days after receiving notice under subsection c. from an employee or otherwise receiving actual notice of such conviction.
  - e. 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.
  - f. Making a good faith effort to continue to maintain a drug free workplace through implementation of sections a. through e. of this subsection.
2. **Severability.** If any part, section, subsection, or other portion of this Resolution, or any application thereof to any person or circumstances declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this Resolution, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect.
3. **Effective Date.** This Resolution shall take effect ninety (90) days after adoption by the Board of County Commissioners.

**ADOPTED** in open session by a majority of the duly elected Board of County Commissioners of Manatee County, Florida, this 2nd day of February, 1993.

**ORIGINAL DOCUMENT SIGNED BY BOARD OF COUNTY COMMISSIONERS CHAIRMAN MS. LARI ANN HARRIS ON FEBRUARY 2, 1993 AND IS ON FILE AT MANATEE COUNTY CLERK'S OFFICE.**

<R93-22>

## ATTACHMENT "B"

### 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 "C"

### PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

#### SWORN STATEMENT PURSUANT TO MANATEE COUNTY CODE OF LAW

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 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.

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment 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]

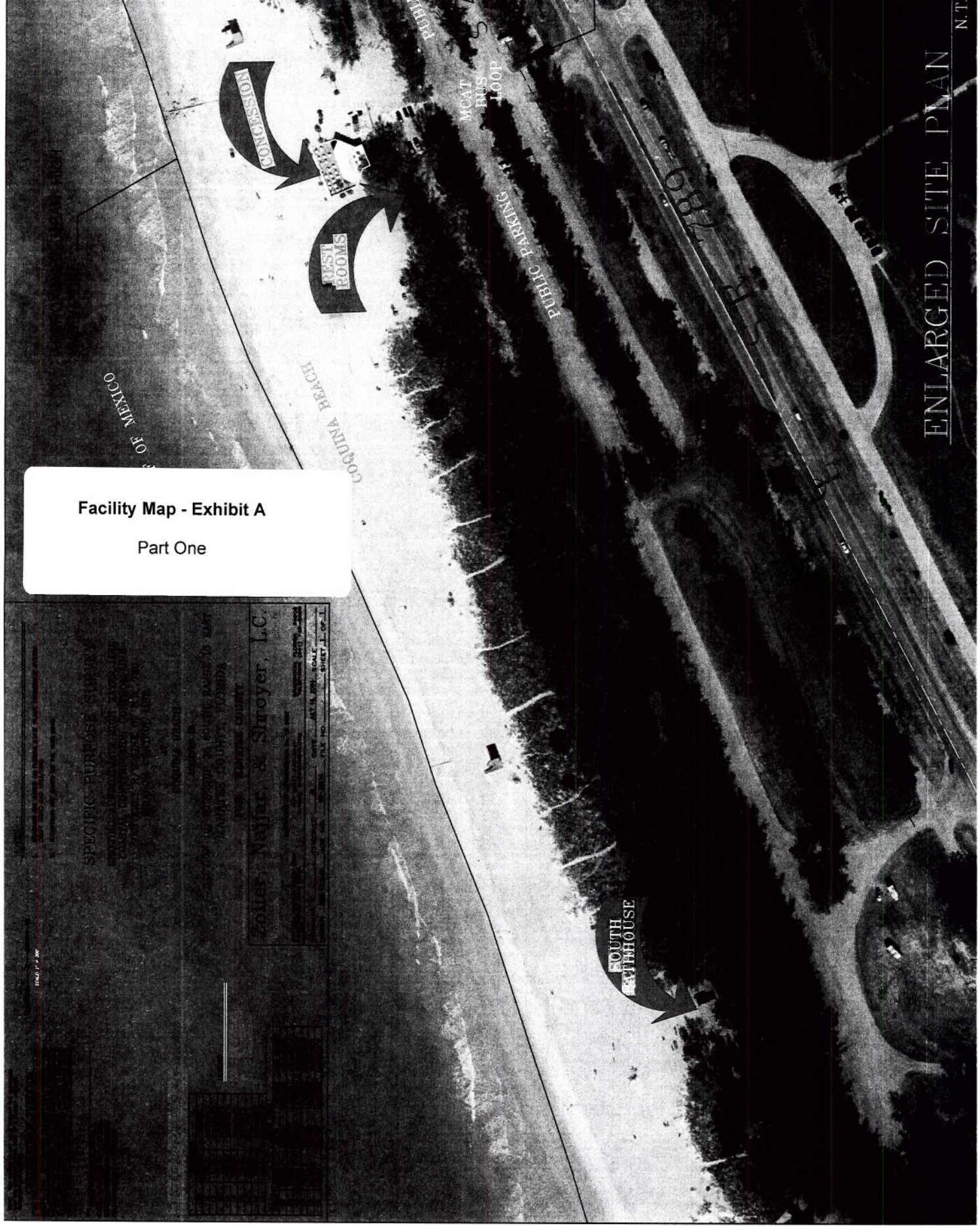
**Signatory Requirement** - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit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

Facility Map - Exhibit A

Part One

ENLARGED SITE PLAN

N.T.

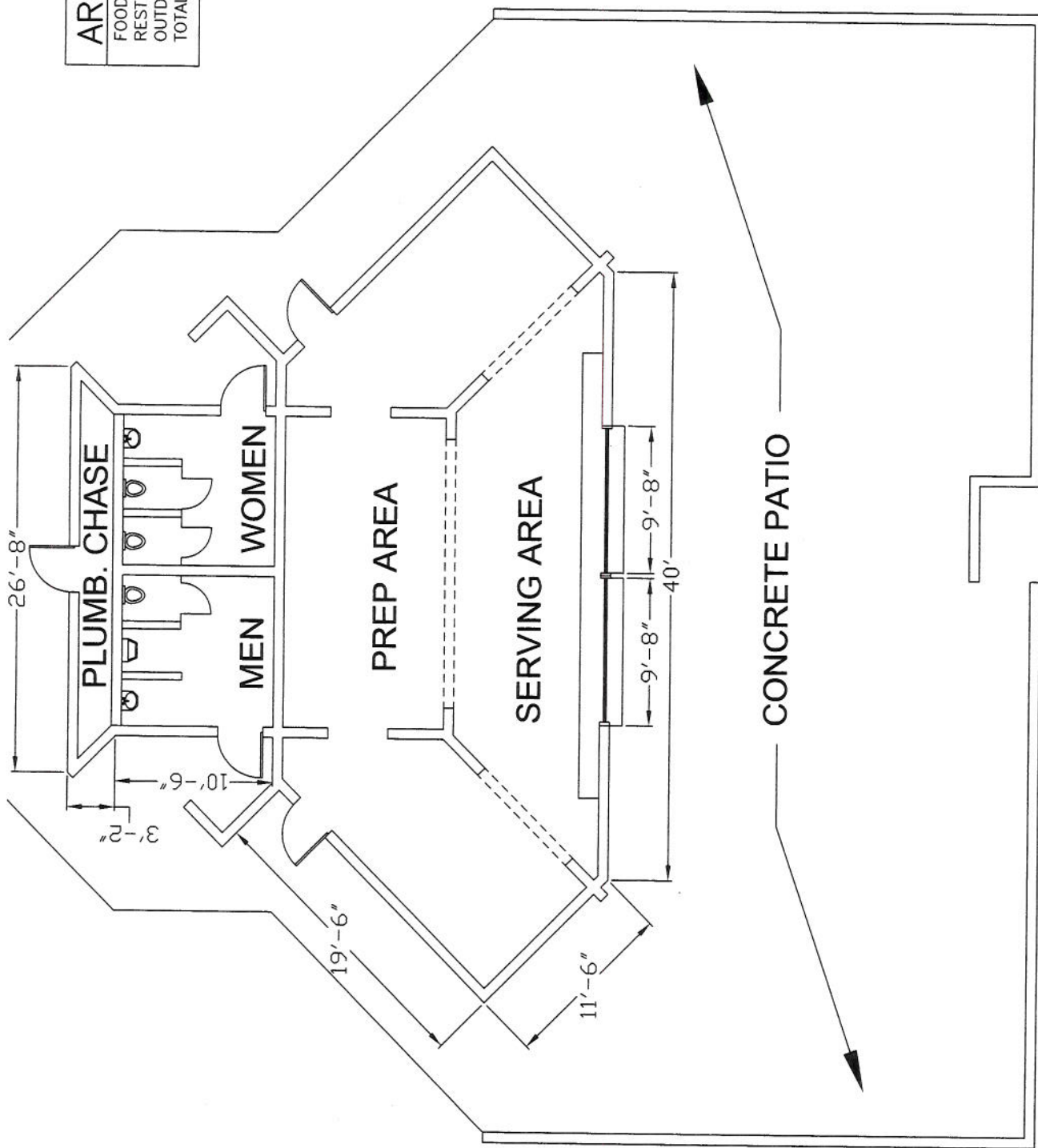


# Facility Map - Exhibit A

## Part Two

### AREA TABULATION:

|                    |   |       |         |
|--------------------|---|-------|---------|
| FOOD SERVICE AREA  | = | 905   | SQ. FT. |
| REST ROOM AREA     | = | 205   | SQ. FT. |
| OUTDOOR PATIO AREA | = | 2,170 | SQ. FT. |
| TOTAL AREA         | = | 3,280 | SQ. FT. |



NOTE:

DIMENSIONS SHOWN ARE APPROXIMATE AND SHOULD BE USED FOR TAKE OFF PURPOSES ONLY. ACTUAL DIMENSIONS SHALL BE VERIFIED IN FIELD.

# FLOOR PLAN

SCALE: 1/8" = 1'-0"

