

REQUEST FOR PROPOSAL #11-2192-DW
OPERATION AND MAINTENANCE OF THE JOHN H. MARBLE RECREATION
COMMUNITY CENTER AND/OR ASSOCIATED SPORTS COMPLEX FACILITIES

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 business entities authorized to do business in the State of Florida, for the purpose of providing services for the **Operation and Maintenance of the John H. Marble Recreation Community Center and/or Associated Sports Complex Facilities**.

INFORMATION CONFERENCE AND SITE VISIT: To ensure that all prospective Proposers have sufficient information and understanding of the County's needs, a non-mandatory Information Conference and Site Visit will be held on **June 2, 2011, at 9:00AM, at the Public Safety Center, Chardonnay Conference Room, 2101 47th Terrace East, Bradenton, Florida.** All Proposers are encouraged to attend this Information Conference. A visit to the Site will immediately follow the conclusion of the Information Conference.

DEADLINE FOR CLARIFICATION REQUESTS: **June 9, 2011 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 Proposal to the Manatee County Purchasing Office. This deadline has been established to maintain fair treatment for all potential bidders or proposers, while ensuring an expeditious transition to a final agreement.

TIME AND DATE DUE: **Proposals will be received until 2:30 PM on June 16, 2011,** at which time they will be **publicly opened.** All interested parties are invited to attend this opening.

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Important Note: A prohibition of Lobbying is in place. Please review paragraph A.17 carefully to avoid violation and possible sanctions.

FOR INFORMATION CONTACT:

Dennis W. Wallace, Contract Negotiator

PHONE (941) 749-3039

FAX (941) 749-3034

Email: dennis.wallace@mymanatee.org

Manatee County

Financial Management Department

Purchasing Division

AUTHORIZED FOR RELEASE: _____

REQUEST FOR PROPOSAL #11- 2192-DW

OPERATION AND MAINTENANCE OF THE JOHN H. MARBLE RECREATION COMMUNITY CENTER AND/OR ASSOCIATED SPORTS COMPLEX FACILITIES

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 REQUIREMENTS FOR FORMAT AND DELIVERY OF PROPOSALS

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.

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.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 agent. The issuance of a written addendum by the Purchasing Official's Office 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: **June 9, 2011 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 Proposal to the Manatee County Purchasing Office.

This deadline has been established to maintain fair treatment for all potential Bidders or Proposers, while ensuring an expeditious transition to a final agreement.

A.05 SEALED & MARKED

One signed Original (please mark the Original) and Five (5) copies of your proposal shall be submitted in one sealed package, clearly marked on the outside "**Sealed Proposal #11- 2192-DW**" 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, email 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 must 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 PROPOSAL

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 subject to Public Records inspection ten (10) days after the proposal opening or if an award decision is made earlier than this time as provided by Florida Statute 119.071 (1) (b). **No review of the proposal documents will 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.

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. Procedures and deadlines concerning protests related to this Request for Proposal shall be those which are set forth in §2-26-61 of the County Code.

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 III, 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 presumes 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 Proposal.

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 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 for a period of 36 months from the date of being placed on the convicted vendor list.

A.15 PUBLIC ENTITY CRIMES -continued:

In addition, Manatee Code of Laws Chapter 2-26 Article V prohibits the award of County contracts to any person or entity who/which has, within the past 5 years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of any environmental law that, in the reasonable opinion of the Purchasing Official, establishes reasonable grounds to believe the person or business entity will not conduct business in a reasonable manner.

To ensure compliance with the foregoing, the Code requires all persons or entities desiring to contract with the County to execute and file with the Purchasing Official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity, and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with the County. **Proposer is to complete Attachment “A” and submit with your proposal.**

A.16 DRUG FREE WORKPLACE

Drug Free Workplace Program: Manatee County has 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 is to complete Attachment “B” and submit with your proposal.**

A.17 LOBBYING

After the issuance of any Request for Proposal, 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 Proposal with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Request for Proposal. This prohibition begins with the issuance of any Request for Proposal and ends upon an award 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.18 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.19 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.

END SECTION A

SECTION B: FORM OF PROPOSAL

This section identifies specific evaluation factors which are to be given written responses. The contents of each proposal shall be **separated** and **arranged with tabs** in the same order as listed in Sections B.01 through B.04 identifying the response to each specific item.

The information that Proposers provide shall be used to determine whether the Proposer has the ability to perform the Scope of Services as stated in this Request for Proposal in a way which best meet the needs of Manatee County. A review with those Proposers reasonably susceptible of being selected for award may be conducted for the purposes of clarification of both ability and benefit to Manatee County. See Section C, "Selection."

B.01 MINIMUM QUALIFICATIONS

Proposals may be submitted by one (1) or more sole proprietorship, corporation, or partnership.

Prior to any consideration of the responses to the criteria in this Request for Proposal, Proposers are to document in their proposals that they have operated a facility similar in complexity and nature to the one being proposed in response to this Request for Proposal for at least one (1) year.

Where Proposal is made by more than one (1) business entity, each entity must sign the Proposal.

To validate experience, expertise and capabilities, Proposers shall provide:

- A. A copy of Proposer's license, where applicable to the proposal category being submitted (see Section E, "Scope of Services.");
- B. The state, county or city where the services were rendered;
- C. Name of the entity who issued the contracts;
- D. Contract Administrator for the named contracts. Include telephone and email address information.

After Manatee County staff validates the Minimum Qualifications have been met, those Proposals found to be in compliance will be considered.

B.02 ADMINISTRATIVE SUBMITTAL

- a. Proposal Signature Form.
- b. Public Contracting and Environmental Crimes Certification (Attachment A).
- c. Drug Free Work Place Certification (Attachment B).

B.03 INFORMATION TO BE SUBMITTED REGARDING PROPOSER(S):

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

B.03.1. Background and Size: Provide a 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.

B.03.2. Business Entity: 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.

If the Proposer is a joint venture, or partnership, the details of the responsibilities for provision of the required services must be clearly disclosed. Provide a narrative on how you anticipate the partnerships to manage the work and any prior experience that the individual entities may have had in working together on other projects. Disclose the lead firm of a joint venture.

B.03.3. Legal Authority: Provide a detailed explanation that your firm has the legal authority to perform the services described in this Request for Proposal.

B.03.4. Ownership Interest: Disclosure of any ownership interest in or operation of other entities involved in public/private community center and/or swimming pool operations which may be a potential participant in this Request for Proposals. This ownership disclosure shall be included, whether such ownership occurs by the proposer through a parent, subsidiary or holding company or any other form of business entity. Submit entity names and the percent of ownership for each.

B.03.5. Key Personnel: Identify each principal of the firm and other key personnel who will be professionally associated with the County in the performance of the services described herein. Do not include personnel that will not have a key role in providing services. Describe their respective areas of expertise.

For each identified person list:

- Full Name
- Professional credentials; Title;
- Area of expertise, individual's roles and duties in providing services
- Office address
- Email address
- Telephone number
- Personalized resumes which identify the qualifications, training and experience of each key personnel.

B.03.6. Economic Benefit: 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.03.7. Subcontractors: Identify any operational areas you intend to use subcontractors. Identify the services and roles that each subcontractor would assume in providing services.

B.03.8. Financial Statement: Submit audited financial statements for the past three (3) years, including an income statement, a profit and loss statement, a balance sheet and a cash flow statement. In lieu of audited financial statements, Proposers may submit other evidence, acceptable to the County, of financial responsibility. Such evidence may include, but is not limited to, letter(s) of credit with a financial institution indicating the Proposer's line of credit and the level of financing the institution will offer the Proposer for capital procurement, and certified copy of federal income tax return(s) or acceptable equivalents.

B.03.9. References: Provide a list of at least five (5) financial and operating references with knowledge of your firm or organization's contract performance with local government and public entities or private sector entities. References shall be employees in senior level management positions in the field of public/private community center and/or aquatic complex facility operations. Include the name of the entity, a description of the contract project, the dates of service and the name and telephone number(s) of the contact persons.

- B.03.10. Organizational Chart:** Submit an organizational chart of your firm or organization, stating the names of the firm or organization's management and supervisory personnel to be assigned to this contract undertaking. Provide a resume for each of your key personnel.
- B.03.11. Staffing Level:** Submit a staffing level statement for your organization, detailing how many total employees work for your firm or organization 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. The County will reserve the right to set minimum requirements concerning criminal records of employees who may work with children or handle money.
- B.03.12. Equipment:** Submit a list of equipment to be provided by your firm or organization exclusively at your firm or organization's expense for this contract undertaking.
- B.03.13. Capital Improvements:** Describe your firm or organization's plan or proposal, if any, for capital improvements or renovations. Operation of any part of the facility shall be in compliance with all current building, fire, and ADA codes. In the event improvements are not required, a letter shall be submitted with your proposal from the regulatory government official stating that the facility meets all current codes.
- B.03.14. Community Involvement Commitment:** State your firm or organization's community involvement commitment and understanding of the needs and preferences of the citizens and visitors which make use of these facilities. In written narrative, provide a compelling illustration of your firm or organization's understanding of the service commitment, and capacity to adapt business operations to the needs of public recreation patrons in both high and low volume seasons.
- B.03.15. Quality Assurance:** Submit a detailed Quality Assurance Statement to demonstrate the level of quality that is being proposed.

B.03.16. Business Plan: Provide a detailed five (5) year Business Plan to include, but not limited to:

- a) Market analysis;
- b) Operating Budget of all anticipated revenue sources and projected income, all operating expenses, capital improvement plan including the method of funding;
- c) Marketing Plan;
- d) Analysis of economic improvement of the facility on the surrounding area; and,
- e) Volume projections on the usage to be generated in the first year for the categories of service that you are proposing to operate that will generate public participation.

B.03.17. Operation and Program Plan: Provide a detailed five (5) year Operation and Program Plan to include, but not limited to:

- a) Types of permitted uses to include any special events;
- b) Description of public outreach programs; include any cost or qualifications/criteria for membership and/or participation. List any summer or holiday, spring or winter school break camps that might be offered. List any and all adult and youth programs contemplated;
- c) Hours of operation; describe the standard hours of operation plus expected seasonal variances explicitly describing the commencement and duration of such variances; and,
- d) Educational and classroom opportunities. Provide a detailed summary of classes/courses offered, length of courses, and associated course fees. Provide in an annual amount the anticipated revenues for each year in the five (5) year projected budget.

B.03.18. Project Timeline: Provide (i) a proposed project timeline to include the time required, prior to the commencement date, to coordinate the administrative issues with the County and (ii) a detailed transition and implementation plan. Demonstrate your firm's ability to meet the projected timeline.

B.03.19. Fee: Proposers shall submit proposed fee schedules for any fees it proposes to charge its customers, and the proposed fees to be paid to the County.

The proposed fee paid to the County shall be all-inclusive, unless otherwise directed herein, and shall include, but not be limited to, any and all of the costs associated with licenses, fees, permits, bonds, and insurance required to perform the work, and any and all of the costs associated with labor, personnel, supervision, and administration necessary to perform the work, and any and all of the costs associated with set-up, interfacing, training, and customer support necessary to perform the work in a professional and efficient manner as described in the Scope of Services.

B.04 SUPPLEMENTAL INFORMATION

Submit any other 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.

END SECTION B

SECTION C: SELECTION

C.01 EVALUATION FACTORS

The County will rank proposals first based on which category below (A-D) they fall into. Highest ranking will be for Category “D” proposals. Lowest ranking will be for Category “A” proposals:

Category A: Operate and Maintain the *Community Center only for non-recreational use.*

Category B: Operate and Maintain the *Community Center only for recreational use or mixed use.*

Category C: Operate and Maintain the *Community Center and Pool only.*

Category D: Operate and Maintain the *entire recreational facility.*

Evaluation factors then are price and demonstrated ability of the Proposer(s) to perform the Scope of Services as generally outlined in Section E of this Request for Proposal in the most timely and efficient manner and the proposal(s) which will provide the best solution to meet the needs of Manatee County 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 other than as stated above.

C.03 PRELIMINARY RANKING

A Selection Committee shall determine from the responses to this Request for Proposal 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.

C.05 **SELECTION FOR NEGOTIATION**

The Proposer, whose ability and proposal is determined to be the 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.

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 and the vote of the Board of County Commissioners to authorize execution the agreement.

END SECTION C

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, but not compel adherence to its terms or conditions.
- 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.

Negotiated agreements may or may not include all elements of this Request for Proposal or the resulting successful proposal where alternative terms or conditions become more desirable to the County, and the parties agree to such terms.

The Manatee County Board of County Commissioners will be presented the negotiated agreement as the best and final offer for consideration of award and execution. The 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 or (c) reject the recommended award and direct the termination of negotiations.

END SECTION D

SECTION E: SCOPE OF SERVICES

E.01 BACKGROUND AND INTRODUCTION

John H. Marble Park is owned by Manatee County ("County") and located at 3675 53rd Avenue East, at the corner of State Road 70 and 37th Street East, Bradenton, Florida, 34203, and consists of approximately 6.73 acres. The site is zoned as A-1, Suburban Agriculture, and is legally described in Attachment "C."

The complex includes the following amenities:

One (1) Ball Field

One (1) Soccer Field

One (1) Outdoor Basketball Court

Two (2) Tennis Courts

Two (2) Bocce Ball Courts (managed by others)

One (1) Butler-style Community Center, constructed in 1968, is a multi-use gymnasium and office facility, approximately 14,951 SF, with kitchen, Men's and Ladies Restrooms and Showers, three (3) separate office spaces, three (3) program rooms, and a large activities area that can be used for indoor basketball.

One (1) Pavilion with electric, that includes one (1) small cooking grill, one (1) large cooking grill, and eight (8) picnic tables.

One (1) Children's Playground

One (1) Remote-controlled Race Track (managed by others)

One (1) Six (6) lane, twenty-five (25) meter Outdoor Swimming Pool, with Restroom and Showers (presently operated by the County).

One (1) Storage Building, approximately 871 SF.

One (1) Parking Lot (to be shared and made available for public use.)

The County is soliciting proposals from qualified individuals, corporations, partnerships, and other business entities authorized to do business in the State of Florida. The County will be seeking that solution which best satisfies the needs and requirements of the County and its' citizens and provide a financially viable use of the premises.

The County makes no representation or warranty with respect to the condition or state of the site or its' fitness or availability for any particular use, and the County shall not be liable for any latent or patent defect therein.

The County will provide use of the site and will not be obligated for any repair or rebuild of the facilities. The County does not intend to fund, subsidize, or otherwise contribute to the successful Proposer for the operation of any portion of the facility.

The successful Proposer shall, at its' sole cost and expense, comply with all applicable permits, laws, statutes, ordinances, or government rules or regulations in connection with the operation of the facility.

The successful Proposer shall have the length and depth of experience in operating similar facilities with a demonstrated record of success in those endeavors.

The successful Proposer shall allow the continued use of, and access by, the members to the Bocce Ball Court and R/C Racing Track and the occasional use of the Pavilion by its' members.

The County reserves the right to make multiple awards from this solicitation.

E.02 SCOPE OF SERVICES

The objective of the Scope of Services shall require the successful Proposer to develop the best use of the facility which is also the most financially viable and offers the greatest gain for the community.

Proposers shall submit proposals on any of the following categories:

Category A: Operate and Maintain the *Community Center only for non-recreational use.*

Category B: Operate and Maintain the *Community Center only for recreational use or mixed use.*

Category C: Operate and Maintain the *Community Center and Pool only.*

Category D: Operate and Maintain the *entire recreational facility.*

In consideration of that objective, the successful Proposer shall be responsible for the following, for any selected Category A through D, unless otherwise noted:

- E.02.1.** Organize and coordinate programs to be offered to the public.
- E.02.2.** Perform all repairs and capital improvements necessary for occupancy; this shall include compliance with all current building, fire, and ADA codes. In the event your Proposal represents building or system renovations are not required, Proposers must submit with the Proposal letters from appropriate government regulatory officials, including at least the Building Official and Fire Marshal, that they have inspected the premises, have reviewed the programs proposed, and that all Building, Fire, and ADA Regulations will be met with no renovation needed. If such officials do determine renovations are needed, their letters shall describe these.
- E.02.3.** All renovation permitting and licensing costs.
- E.02.4.** All maintenance and other building cost issues.
- E.02.5.** All utilities.
- E.02.6.** Cost for the separation of electric utilities if proposing to operate the Community Center only (Category A or B).

END SECTION E

PROPOSAL SIGNATURE FORM
RFP #11-2192-DW

Firm Name

Mailing Address:

Email

() _____
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 provide the selected services as may determined by the County which are detailed in this RFP #11-2192-DW.

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

Email for Firm's Representative for Manatee County

Telephone Number of Firm's Representative for Manatee County

ATTACHMENT "A"

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 "A" – continued

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.

ATTACHMENT "B"

Drug Free Work Place Certification

**SWORN STATEMENT PURSUANT TO RESOLUTION R-01-36 SECTION 4, E (1) (a)
MANATEE COUNTY PURCHASING POLICIES, 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 _____

_____ [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 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.

Attachment "B" – continued

(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 _____, 200____ by _____.

Personally known _____ OR Produced identification _____
[Type of identification]

My commission expires

Notary Public Signature

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

ATTACHMENT "C"

LEGAL DESCRIPTION

REQUEST FOR PROPOSAL NO. 11-2192-DW

**Operation and Maintenance of the John H. Marble Recreation Community Center and/or
Associated Sports Complex Facilities**

Manatee County is the fee simple owner of the property described below and all buildings and facilities constructed thereon:

From the SE corner of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 8, Township 35 South, Range 18 East, go West 200 feet for a point of beginning. Thence North 710 feet parallel to a public easement as described in O.R. Book 125, page 269, thence West 460 feet to east boundary of the SW $\frac{1}{4}$ of SE $\frac{1}{4}$, thence South 710 feet to the north boundary of SR 70, thence East 460 feet to the point of beginning, all being and lying in Section 8, Township 35 South, Range 18 East, Manatee County, Florida.

