

CITY OF FLORENCE REQUEST FOR PROPOSALS AND INSTRUCTIONS

Food and Beverage Services

Florence Events Center

RFP No: 2013-00

Solicitation Opening Date: December 4, 2013

Solicitation Closing: January 10, 2014 at 4:00 p.m.

I. Request for Proposals

The City of Florence (“City”) hereby requests sealed proposals from qualified persons to provide food and beverage catering services for the City of Florence Events Center, for a period of 12 months. Annual extensions may be granted for up to four additional years by mutual agreement of both parties.

This Request for Proposals and Instructions (“RFP”) is intended to provide interested persons (herein referred to as “proposers”) with sufficient information to prepare and submit proposals for consideration by the City. It is the City’s intent to select the most advantageous proposal based on the evaluation criteria set forth in this RFP.

The City reserves the right to reject any and all proposals received as a result of this RFP prior to the execution of a contract upon a finding that it is in the public interest to do so. Preparation and submission of a proposal is at the proposer’s sole risk and expense.

Proposals and all accompanying documents will become the property of the City and will not be returned. *See, Part II, Section 15, entitled “Public Records” below.*

II. Contents of RFP

This RFP contains and incorporates the following exhibits:

Exhibit A	Proposal Form and Fee Proposal
Exhibit B	Form of Contract, including City of Florence Standard Contract Provisions
Exhibit C	Description of Services
Exhibit D	Minimum Qualifications
Exhibit E	Evaluation Criteria

III. Instructions

- 1. Form of Proposal.** Proposals are to be based on and submitted in accordance with the instructions contained in this part III. The City may change these instructions at any time prior to the Solicitation Closing by addendum, as provided in Section 5 of this RFP. Proposers are responsible for responding to all addenda.
- 2. Point of Contact.** The Event Center Director's office is the point of contact in the City for this RFP. All correspondence pertaining to this RFP should be directed to Kevin Rhodes, Events Center Director, 715 Quince Highway 101, Florence, OR 97439. The Events Center Director's office may be contacted by calling 541-997-1994.
- 3. Technical Clarification, Requests for Changes.** Questions regarding specific technical aspects of the service requested by this RFP or seeking clarification concerning these instructions may be directed to Kevin Rhodes by calling 541-997-1994. **NO ORAL CLARIFICATION WILL BE BINDING ON THE CITY. THE CITY WILL BE BOUND ONLY BY THIS RFP AND ANY WRITTEN ADDENDUM ISSUED HEREUNDER.**

Requests for changes to these instructions, including requests for changes in any of the exhibits to this RFP, must be submitted in writing to the Event Center Director not later than 10 calendar days prior to the date of the Solicitation Closing. The request must include a statement of the requested changes and the reason therefore. The request shall be marked as a "Request for Change in RFP" and specify the RFP number set forth in the caption to this RFP. The City will respond to all written requests for changes, in writing, within five days of receipt of such request.

If inquiries, comments or requests for changes raise issues that require clarification or a modification to this RFP, the clarification or modification will be made by written addendum as provided in Section 5 of this RFP.

- 4. Schedule of Events.** The following schedule of events shall be followed for this RFP.

Opening Date (RFP available)	December 4, 2013
Solicitation Closing	4:00 p.m., on January 10th, 2014
Initial Proposal Review Period	January 13-17, 2014
Interviews	January 21-24, 2014
Notice of Competitive Range	January 28, 2014
Negotiation Period	January 29-31, 2014
Notice of Intent to Award within 30 days after Solicitation Closing	** February 5, 2014
Award and Execution of Contract Within 60 days after Solicitation Closing	** February 14, 2014

****** If the City decides to negotiate with proposers in the competitive range, notice of intent to award will only be given to proposers in the competitive range and shall be made after completion of negotiations.

If the City receives a request for change or protest from a proposer in accordance with the instructions in this RFP, the City may extend the Solicitation Closing date as necessary to consider whether to issue an addendum. The City also reserves the right to delay any of the dates set forth above, if it is determined to be in the best public interest to do so. The contract shall become effective only upon execution by the City.

5. Addendum to the Request for Proposals. In the event it becomes necessary to revise any part of this RFP prior to the Solicitation Closing, an addendum will be provided to all proposers who have requested and received a copy of this RFP. **RECEIPT OF AN ADDENDUM MUST BE ACKNOWLEDGED BY SIGNING AND RETURNING THE DOCUMENT WITH THE PROPOSAL.** Proposers may protest requirements of this RFP by submitting a request for change, in accordance with Section 3 of this RFP. No addendum will be issued less than four days prior to the date of the Solicitation Closing.

6. Format of Proposal. Proposals must contain the information specified in Paragraph 7 of this RFP. Proposals must be prepared on the proposal form attached hereto as RFP Exhibit "A." A proposal should provide a concise description of the proposer's ability to satisfy the requirements of this RFP and the form of contract attached hereto as Exhibit "B."

7. Content of Proposals. The proposal should demonstrate that the proposer can furnish the services in a manner that will be cost effective for the City. Those proposals which do not contain all information required by this RFP or are otherwise non-responsive may be rejected immediately; however, the City has discretion to accept a proposal that does not conform with all RFP requirements if the City determines that the non-conformance is not substantial or material. If a proposal is unclear, or appears inadequate, at the City's discretion, the proposer may be given an opportunity to explain how the proposal complies with the RFP. The City also has discretion to permit a proposer to correct a typographical or other minor mistake or oversight in its proposal.

7.1 The proposal must contain at least the following information:

1. The proposer's business name, address and telephone number.
2. The proposer's legal form of entity (sole proprietor, corporation, LLC, etc.) and, if applicable, state of incorporation or organization and main office address.
3. Name(s) and titles of the person(s) authorized to submit the proposal and to execute the personal services contract.

4. The fees and charges that the proposer will charge for the services rendered based on the format outlined in Exhibit A.
5. A description of the key personnel that will perform the services and their qualifications.
6. A description of how the proposer complies with all minimum qualifications set forth in Exhibit D.
7. Special services the proposer can provide in connection with the service required by this RFP and as described in Exhibit C.
8. A list of all private and public entities for which the proposer has provided similar services within the past two years and the name and phone number of a person within each entity who is knowledgeable of the proposer's performance record.
9. A statement as to whether the proposer is a resident bidder under ORS 279.029. *A resident bidder is a proposer that has paid unemployment taxes or income taxes in the State of Oregon during the 12 calendar months immediately preceding submission of this proposal, has a business address within Oregon and has stated in its proposal that it is a "resident bidder pursuant to ORS 279.029."*
10. The proposal form, substantially in the form of Exhibit A must be duly executed by the authorized representative of the proposer identified in response to requirement 7.1.3 above.

7.2 A proposer that has not contracted for the type of services required by this RFP with the City of Florence during the past two calendar years must also submit information describing its experience in providing such services to other public entities.

7.3 Alternatives. A proposer shall only submit alternative terms and conditions to the terms and conditions the City expressly authorized for negotiation under this Request for Proposals. See section 13, below.

8. Contract. The proposer selected by the City to provide the requested services will be expected to enter into a written services contract in the form attached hereto as Exhibit B.

BY SUBMITTING ITS PROPOSAL, THE PROPOSER CERTIFIES THAT IT HAS READ AND ACCEPTS ALL TERMS, CONDITIONS AND REQUIREMENTS OF THIS RFP, INCLUDING THE TERMS AND CONDITIONS OF THE FORM OF CONTRACT IN EXHIBIT B, AND THAT IF PROPOSER REFUSES TO EXECUTE THE CONTRACT AFTER AWARD, THE CITY WILL BE ENTITLED TO SEEK COMPENSATION FOR ITS

DAMAGES, WHICH MAY INCLUDE THE COST OF CONDUCTING A NEW SOLICITATION.

9. Delivery of Proposals. In order to be considered, sealed proposals must arrive at the Event Center Director's Office before the time and date of the Solicitation Closing as described in the caption to this RFP. Proposers who mail proposals should allow extra mail delivery time to insure timely receipt of their proposals. Proposals received after the Solicitation Closing will not be considered and will be returned unopened to the proposer. Proposals must be submitted in sealed envelopes clearly marked "**Florence Events Center Food and Beverage Services Proposal – Closing 4:00pm January 10, 2014,**" as shown in the caption of this RFP.

10. Submission and Withdrawal of Proposals. Proposers may modify or withdraw their proposals at any time prior to the Solicitation Closing by providing a written request for modification or withdrawal to the Event Center Director's office. Requests for withdrawal of proposals will not be accepted after the Solicitation Closing. A proposer may also withdraw its proposal in person prior to the Solicitation Closing, upon presentation of appropriate identification and satisfactory evidence of authority to the Event Center Director. The Event Center Director shall obtain the signature of the person making the withdrawal.

ALL PROPOSALS SHALL BE IRREVOCABLE FOR A PERIOD OF 60 DAYS FROM THE SOLICITATION CLOSING, AND MAY BE MADE IRREVOCABLE FOR A PERIOD OF 90 DAYS AS PROVIDED SECTION 17 OF THIS RFP.

11. Opening of Proposals. Proposals received in response to this RFP will be opened in public by the Event Center Director and the City Recorder immediately after the Solicitation Closing in the Board Room at the Florence Events Center at 715 Quince Street, Florence. The names and addresses of all proposers will be announced and recorded by the City Recorder. No other information will be made available at that time. A copy of the names and addresses of the proposers may be obtained from the office of the Event Center Director.

12. Minimum Qualifications Required. Proposals must indicate how the proposer satisfies the minimum qualifications set forth in Exhibit D.

13. Evaluation of Proposals. The City will evaluate the proposals according to the evaluation criteria and rating scheme set forth in Exhibit E and in accordance with this section 13.

13.1 Interviews/Samples. The City may require an interview with any proposer to further evaluate the proposer's ability to provide the services specified in this RFP. The City may decide to conduct or not to conduct interviews, regardless of the interview schedule in Section 4 of this RFP. During the evaluation process, the City may also request work samples, demonstrations, inspections or other testing examinations from all responsive proposers if the Event Center Director determines that such further evaluation should be added as rated criteria to enable the City to properly evaluate the proposals.

13.2 Negotiation. At the conclusion of the criteria evaluation process and prior to selection, the City may, but shall not be required to, negotiate with the three proposers who have the highest criteria ratings (the “Competitive Range”). The Event Center Director may expand or decrease the Competitive Range if, in the opinion of the Event Center Director, the number or proposals or the quality of the proposals warrants an increase or decrease in the number of proposers in the Competitive Range.

If the City determines to negotiate with proposers in the Competitive Range, the City shall provide written notice to all proposers, identifying proposers in the Competitive Range. A proposer that is not within the Competitive Range may protest the Event Center Director’s evaluation and determination of the Competitive Range in accordance with the provisions set forth below under the heading, “Right to Protest Competitive Range.”

After the protest period, or after the Event Center Director has provided a final response to any protest, whichever date is later, the City will begin negotiating with proposers in the Competitive Range. The City’s negotiation team shall not favor any particular proposer. However, the City may only negotiate Contract Price to the extent the proposer would not be excluded from the Competitive Range based on the City’s evaluation criteria set forth in this RFP. The City may only negotiate an alternative term or condition submitted by a proposer if the alternative term or condition is reasonably related to the term or condition that this RFP describes as negotiable.

The matters subject to negotiation shall be limited to the following:

1. Price;
2. The manner in which the services are to be performed;
3. The personnel to be committed to the City’s contract; and
4. Contract terms and provisions that the City would like to change.

Nothing in this RFP shall restrict or prohibit the City from canceling the solicitation at any time in accordance with OAR 137-030-0115. If the City begins negotiations under this section 13.2, the City shall begin negotiations with all of the three top-rated proposers. At any time during the negotiations, the City may: (1) terminate negotiations with particular proposers and continue negotiating with the remaining one or two proposer(s), or (2) conclude negotiations with all three proposers and make its award based on its evaluation of the comparative values achieved by negotiation, or (3) reject all proposals and cancel the solicitation.

If the City does not cancel the solicitation at the conclusion of the City’s negotiation with all remaining Proposers in the Competitive Range, the City shall re-score the Proposals in the Competitive Range based upon the evaluation criteria in this Request for Proposals.

If the contract is to be awarded based on the negotiations, the City shall provide written notice of intent to award the Contract only to all proposers in the Competitive Range. An

unsuccessful proposer may protest the City's evaluation and determination of the award as provided below in "Right to Protest Award."

13.3 Evaluation Record. A record will be made of all criteria evaluation ratings and all other grounds upon which selection of the contractor is made.

14. Selection Process and Notice of Award. The City will select the proposal deemed most beneficial to the City based on its evaluation of the proposals. The apparent successful proposer and all other persons who submitted proposals will be notified of the City's selection. Unless award of a contract is delayed by the City, written notice of award, specifying the date of selection, will be made not later than the first business day following the date of selection. Final award will depend upon the execution of an acceptable contract and delivery of performance bond and evidence of insurance, if required, and may be withdrawn at any time prior to execution of the contract by the City.

15. Public Records. This RFP and each original proposal received in response to it, together with copies of documents pertaining to the award of a contract, shall be kept on file as a public record by the Event Center Director.

16. Records Review; Confidentiality. After opening, all proposals shall be available for public inspection except for those portions of a proposal that the proposer designates in its proposal as trade secrets or as confidential proprietary data in accordance with applicable state law. If the City determines such designation is not in accordance with applicable law, the City shall make those portions available for public inspection. The proposer shall separate information designated as confidential from other non-confidential information at the time of submitting its proposal. Prices, makes, model or catalog numbers of items offered, scheduled delivery dates, and terms of payment are not confidential and shall be publicly available regardless of a proposer's designation to the contrary.

17. Protest of Contractor Selection, Contract Award.

17.1 Purpose. An adversely affected or aggrieved proposer must exhaust all avenues of administrative review and relief before seeking judicial review of the City's Contractor selection or Contract award decision.

17.2 Notice of Competitive Range. If the City decides to negotiate with proposers in the competitive range, the City will provide written notice to all proposers of the identity of the proposers included in the Competitive Range. The City's notice of the proposers included in the Competitive Range shall not be final until the later of the following: (i) ten days after the date of the notice; or (ii) until the City provides a written response to all timely-filed protests. The City grounds director may expand or contract the competitive range to respond to the number and quality of proposals.

17.3 Right to Protest Competitive Range.

17.3.1 An adversely affected or aggrieved proposer may submit to the City a written protest of the City's decision to exclude the proposer from the Competitive Range within ten days after issuance of the notice of the Competitive Range.

17.3.2 The proposer's protest shall be in writing and must specify the grounds upon which the protest is based.

17.3.3 A proposer is adversely affected only if the proposer is responsible and submitted a Responsive Proposal and is eligible for inclusion in the Competitive Range; i.e., the protesting proposer must claim it is eligible for inclusion in the Competitive Range if all ineligible higher-scoring proposers are removed from consideration, and that those ineligible proposers are ineligible for inclusion in the Competitive Range because:

(a) Their Proposals were not responsive; or

(b) The City committed a substantial violation of a provision in the RFP or of an applicable procurement statute or administrative rule, and the protesting proposer was unfairly evaluated and would have, but for such substantial violation, been included in Competitive Range.

17.3.4 The City shall not consider a protest submitted after the time period provided in this RFP. A proposer may not protest the City's decision not to increase the Competitive Range above the Competitive Range set forth in this RFP. All questions, concerns or protests of the award ("Award Protests") must be submitted in writing to the Event Center Director within 14 calendar days after the date of the selection specified in the notice of intent to award. The Award Protest must specify the grounds upon which the protest is based. No Award Protest will be considered if submitted more than 14 calendar days after the date of the selection specified in the notice of intent to award.

17.4 Notice of Intent to Award Contract. The City will provide written notice to all proposers of the City's intent to award the Contract, unless the contract is awarded following negotiations, in which case notice of award will be provided to all proposers in the competitive range. The City's award shall not be final until the later of the following:

(a) 14 Days after the date of the notice; or

(b) The City provides a written response to all timely-filed protests that denies the protest and affirms the award.

17.5 Right to Protest Award.

17.5.1 An adversely affected or aggrieved proposer may submit to the City a

Written protest of the City's intent to award within 14 days after issuance of the notice of intent to award the Contract.

17.5.2 The proposer's protest shall be in writing and must specify the grounds upon which the protest is based.

17.5.3 A proposer is adversely affected or aggrieved only if the proposer is eligible for award of the Contract as the Responsible proposer submitting the best Responsive Proposal and is next in line for award; i.e., the protesting proposer must claim that all higher-scored proposers are ineligible for award:

(a) because their proposals were non-responsive; or

(b) the City committed a substantial violation of a provision in the RFP or of an applicable procurement statute or administrative rule, and the protestor was unfairly evaluated and would have, but for such substantial violation, been the responsible proposer offering the highest-ranked proposal.

17.5.4 The City shall not consider a protest submitted after the time period provided in this RFP.

17.6 Authority to Resolve Protests. The City Manager has the authority to settle or resolve a written protest submitted in accordance with the requirements of this rule.

17.7 Decision. If a protest is not settled, the City Manger, or such person's designee, shall promptly issue a written decision on the protest. Judicial review of this decision will be available if provided by statute.

CITY OF FLORENCE

By: _____
Kevin Rhodes, Events Center Director

- Catering Revenues
- Concessions revenues
- Off-Site Catering Revenues

EXHIBIT B

City of Florence

RFP NO. 2013-00

Form of Contract, including City of Florence Standard Contract Provisions

EXHIBIT C

City of Florence

RFP NO. 2013-00

Description of Services

Contractor is a caterer organized and existing under the laws of the state of Oregon, engaged in the food services, and registered to do business in Oregon.

Contractor will provide catering and food concession services at the Center for proper accommodations for patrons, visitors and events at the Center. City desires to make such services available at the Center and Contractor represents that it is qualified, ready and able to perform and furnish such services as provided in the Food Services and Concessions Agreement.

Because the premises to be leased under this agreement are located in a municipally owned and operated facility, it is in the public's best interest that the Contractors food service business be operated in a proper and first class manner with a high quality of service and in a clean, pleasant and safe atmosphere. It is the understanding of the parties that to further the public interest served by the Center, the provisions of the agreement shall be strictly adhered to by Contractor.

EXHIBIT D

City of Florence

RFP NO. 2013-00

Minimum Qualifications

1. Contractor must be registered to do business in the State of Oregon under state law and have all business licenses required by the City of Florence.
2. Contractor must not be disqualified by the City, the Department of Administrative Services or the State Contractor's Board from bidding on public contracts.

FAILURE TO MEET THE FOREGOING MINIMUM QUALIFICATIONS CONSTITUTES A SUBSTANTIAL NON-CONFORMANCE AND WILL PREVENT THE PROPOSAL FROM FURTHER CONSIDERATION.

Proposers are required to provide the following:

- An accessible manager within the Florence Area
- Resumes including experience and education
- Sample menus with pricing for on and off-site Catering
- \$5,000 start-up capital and adequate small wares & equipment to prepare and serve up to 250 people.
- OLCC Liquor License

Minimum Insurance Requirements, by Type and Amount of Coverage.

Certificated evidence of insurance will be required prior to the City's execution of the contract.

Workers Compensation Insurance, including Employers Liability

(Proposers to fill in proposed amounts below)

General Liability Insurance:

	<u>Per Occurrence</u>	<u>Aggregate</u>
Bodily Injury and Personal Injury	\$	\$
Professional Liability	\$	\$
Completed Operations	\$	\$
Product Liability	\$	\$
Contractual Liability	\$	\$

Automobile Liability:

Property Insurance: All-Risk Property Insurance with Replacement Cost Coverage, insuring the following property: _____

Loss of Profits Coverage: _____

Boiler, Machinery: Covering the following property: _____

Employee Dishonesty: \$ _____

EXHIBIT E

City of Florence

RFP NO. 2013-00

Evaluation Criteria

Responsive proposals will be evaluated under the criteria set forth below. For each criterion, the proposal will receive a number of points within the available range for that criterion. Unless negotiations are conducted as provided in Section 13 of the RFP, the contract will be awarded to the proposer with the highest overall score.

Proposal Substantially Complies with all RFP requirements. Yes ____ No ____

If No, indicate the manner in which the proposal is non-conforming.

Non-conforming proposals will not be considered for award: _____

- Percentages Paid to the Events Center
- Interview/ Understanding of the City's Requirements
- Meets or Exceeds Minimum Qualifications
- References/Experience
- Personnel/Equipment for this contract