



Town of Portsmouth

2200 East Main Road / Portsmouth, Rhode Island 02871
www.PortsmouthRI.com

RFP# P18-13

Issue Date: December 21, 2018

TITLE: Concession Agreement for Operation and Maintenance of the Portsmouth Coggeshall School Property

Submission Deadline: DATE: January 30, 2019; TIME 2:00 PM (Eastern Time)

PRE-PROPOSAL CONFERENCE: NON- MANDATORY:

Offerors who are contemplating submitting a bid proposal in response to this solicitation are invited to attend the non-mandatory Pre-Proposal Conference. At the conference, the solicitation will be reviewed and questions may be posed to the Town representative. Questions posed at the conference (and subsequent answers) will be publicly posted on the Town of Portsmouth Request for Proposals Web Page (<http://www.portsmouthri.com/398/Requests-for-Proposals>) as an addendum to the solicitation.

DATE: January 9, 2019; TIME: 9:00 AM

LOCATION: Portsmouth Town Hall, 2200 East Main Rd, Portsmouth RI 02871

Questions concerning this solicitation must be received by the Town of Portsmouth, Coggeshall School Point of Contact (Richard Talipsky, rtalipsky@portsmouthri.com, FAX 401-683 -6804, 2200 East Main Rd. Portsmouth, RI 02871) not later than **DATE January 21, 2019 TIME 2:00 PM (Eastern Time)**. Questions should be submitted in a *Microsoft Word attachment*. Please reference the RFP# on all correspondence. Questions received, if any, will be posted on the Town' website as an addendum to this solicitation. It is the responsibility of all interested parties to download this information.

Table of Contents

SECTION 1. INTRODUCTION.....	3
Instructions and Notifications to Offerors.....	3
SECTION 2. BACKGROUND	5
SECTION 3. SCOPE OF REQUIREMENTS	5
General Scope.....	5
SECTION 4. PROPOSAL SECTIONS	6
A. Technical Proposal.....	6
B. Financial Plan	7
SECTION 5: EVALUATION AND SELECTION	8
Evaluation Procedure	8
Evaluation Criteria.....	8
SECTION 6. QUESTIONS	9
SECTION 7. PROPOSAL CONTENT.....	9
SECTION 8. PROPOSAL SUBMISSION.....	11
SECTION 9. CONCLUDING STATEMENTS	12

SECTION 1. INTRODUCTION

The Town of Portsmouth (the “Town”) desires to re-develop and operate its Coggeshall School building to provide public, private or hybrid public-private access, operation management and resource maintenance and protection. The town-owned property is currently not under any long-term lease or formal agreement with any public or private entity. Although the most recent use of the building was for educational purposes, other innovative uses for the property can be proposed so long as they satisfy the objectives specified below.

This is a Request for Proposals (RFP), not a Request for Quotes (RFQ). Responses will be evaluated on the basis of the relative merits of the proposal, in addition to cost; there will be no public opening and reading of responses received by the Town pursuant to this solicitation, other than to name those offerors who have submitted proposals.

Instructions and Notifications to Offerors

1. Potential concessionaires are advised to review all sections of this RFP carefully and to follow instructions completely, as failure to make a complete submission as described elsewhere herein may result in rejection of the proposal.
2. Alternative approaches and/or methodologies to accomplish the desired or intended results of this RFP are solicited. However, proposals which depart from or materially alter the terms, requirements, or scope of work defined by this RFP may be rejected as being non-responsive.
3. All costs associated with developing or submitting a proposal in response to this RFP or for providing oral or written clarification of its content, shall be borne by the vendor. The Town assumes no responsibility for these costs even if the RFP is cancelled or continued.
4. Proposals are considered to be irrevocable for a period of not less than 180 days following the opening date, and may not be withdrawn, except with the express written permission of the Town.
5. All pricing submitted will be considered to be firm and fixed unless otherwise indicated in the proposal.
6. It is intended that an award pursuant to this RFP will be made to a prime concessionaire, or prime concessionaires in the various categories, who will assume responsibility for all aspects of performance. Subcontracts are permitted, provided that their use is clearly indicated in the offeror’s proposal and the subcontractor(s) to be used is identified in the proposal.

7. Offerors are advised that all materials submitted to the Town for consideration in response to this RFP may be considered to be public records as defined in R. I. Gen. Laws § 38-2-1, *et seq.* and may be released for inspection upon request once an award has been made.

Any information submitted in response to this RFP that an offeror believes are trade secrets or commercial or financial information which is of a privileged or confidential nature should be clearly marked as such. The offeror should provide a brief explanation as to why each portion of information that is marked should be withheld from public disclosure. Offerors are advised that the Town may release records marked confidential by an offeror upon a public records request if the Town determines the marked information does not fall within the category of trade secrets or commercial or financial information which is of a privileged or confidential nature.

8. Interested parties are instructed to peruse the Town website (www.portmsouthri.com) Request for Proposals Page on a regular basis, as additional information relating to this solicitation may be released in the form of an addendum to this RFP.
9. By submission of proposals in response to this RFP, offerors agree to comply with R. I. General Laws § 28-5.1-10 which mandates that contractors/subcontractors doing business with the State of Rhode Island exercise the same commitment to equal opportunity as prevails under Federal contracts controlled by Federal Executive Orders 11246, 11625 and 11375.
10. In accordance with R. I. Gen. Laws § 7-1.2-1401 no foreign corporation has the right to transact business in Rhode Island until it has procured a certificate of authority so to do from the Secretary of State. This is a requirement only of the successful vendor(s). For further information, contact the Secretary of State at 401-222-3040.
11. **Performance Surety.** Offeror must provide documentation substantiating their ability to meet the financial requirements, physical improvements and operational requirements of their proposal. This may be with the evidence of funds available in accounts marked for the expenses required to execute the proposal, and statements of potential donors and those offering in-kind services or material donations.
12. **Liability Insurance.** Offeror shall agree to maintain in full force at all times, during the term hereof, a policy of public liability and property damage insurance under which the Portsmouth and Concessionaire are named as insureds, and under which the insurer agrees to indemnify and to hold Portsmouth harmless from and against all cost, expense and/or liability arising out of or based upon any claims, accidents, injuries and damages caused by the Concessionaire or the Concessionaire's contractors, licensees, invitees,

customers, agents or employees. Each such policy shall be non-cancellable with respect to Portsmouth without ten (10) days prior written notice to the Portsmouth, and a duplicate original or certificate thereof shall be delivered to Portsmouth at any time or from time to time, upon the Portsmouth's request. The minimum limits of liability of such insurance shall be ONE MILLION (\$1,000,000.00) DOLLARS for injury (or death) of any one person, and TWO MILLION (\$2,000,000.00) DOLLARS for injury (or death) to more than one person, and ONE HUNDRED THOUSAND (\$100,000.00) DOLLARS with respect to damage to property.

SECTION 2. BACKGROUND

The Town maintains the following objectives for the use of the Coggeshall School property (not necessarily in priority order):

- Providing funding source for Town operation and maintenance of the property.
- Use of the Town-owned property as a multi-use complex that affords opportunities for both public, private or hybrid public/private use. (Although the most current use was for educational activities, other uses, including mixed uses, will be considered).
- Compatibility with use of adjacent sports fields. Although the adjacent sports fields are not specifically part of the solicitation, use of the building must be compatible with their use.
- Ensuring adequate staffing to maximize use and protection of facilities.
- Ensuring safety and convenience for the users of the complex.
- Establishing and maintaining a long-term relationship with the Town with continued Town ownership of the property.
- Stabilizing and improving the condition of the property.
- Upgrading the facility to Fire and Building Code status for the most restrictive expected use.

SECTION 3. SCOPE OF REQUIREMENTS

General Scope

Descriptions of minimum provisions that are expected to be included in any proposal and final agreement are as follows:

- A Strategic and Operations Plan that clearly demonstrates the offeror's plan to provide services and maintain the property.
- Provide a capital plan that includes the correction of major material issues and recommends major improvements to the complex to enhance the functionality and value of the property. The plan should include details for satisfying Fire and Building Codes for the most restrictive expected use.
- Description and details of a proposed concession agreement with the Town that clearly delineates the responsibilities of the Town and the offeror to

improve and maintain the premises, facilities, furnishings and equipment in good condition.

- Provisions for a continuing performance surety (see Performance Surety above) and liability insurance (see Liability Insurance above) that will remain in effect for the entire initial occupancy term. Additional renewal terms may require similar surety.
- Provisions for payments of all taxes applicable to the operations of any concessions, including but not limited to sales, payroll, and income tax.
- Provisions for commercial general liability, auto and workers' compensation insurance, naming the Town as an additional insured.
- Agreement to obtain all necessary licenses, permits and approvals as required and abide by all applicable health, safety and environmental codes and regulations. Agree to abide by Local, State and Federal laws for work done on the property.
- A financial plan that shows (1) expected costs and sources of funding to bring the property up to the standards required for the most restrictive proposed use, (2) expected funding required to cover the cost of continued operation and maintenance, (3) projected amounts and types of revenue sources and any required share of cost by the Town. This financial plan, as a minimum, should contain quarterly projections for the initial term of agreement and annual projections for all subsequent renewal terms that would be anticipated in a final Concessionaires Agreement. Although offerors may propose alternate agreement terms, it is expected that an initial agreement would be for a period of five years with up to three (3) five-year (5 year) renewal terms.

SECTION 4. PROPOSAL SECTIONS

A. Technical Proposal

The offeror shall provide a technical proposal that includes the following:

- **Strategic and Operations Plan.** A plan that clearly describes the offerors vision and demonstrates the offeror's plan to implement and provide services and maintain the property. This shall include details of how proposed partners (subcontractors and/or organizations) that are key to the success of the proposal will be integrated into the plan.
- **Capital Improvement Plan.** A plan that includes the correction of major material issues and recommends major improvements to the complex to enhance the functionality and value of the property. It should include plans for satisfying Fire and Building Codes for the most restrictive expected use. The plan should also include potential sources of capital improvement funding and other resources that may be required. Specific funding details shall be provided in the Financial Plan.
- **Proposed Concession Agreement with the Town.** Details of a proposed agreement with the Town that clearly delineates the responsibilities of the Town and the offeror to improve and maintain the premises, facilities, furnishings and equipment in good condition.

- **Capability, Capacity, and Qualifications of the Offeror.** Provide a detailed description of the offeror's experience in projects of similar scope and magnitude. A list of at least three (3) relevant references must be provided, to include point of contact names, addresses, email and phone numbers, dates of the engagement and type of engagement.
- **Key Personnel.** Provide information (staff resumes/CV or other relevant information) on key personnel involved in the plan. Describe their qualifications and experience, including their experience in project of similar scope and magnitude.
- **Qualifications and Capabilities of Partners.** Provide information on partner organizations and subcontractors in the plan and how they will enhance success of the plan.
- **Taxes.** A statement that agrees that the Concessionaire will provides for payments of all taxes applicable to the operations of any concessions, including but not limited to sales, payroll, and income tax.
- **Insurance.** Provide details on the proposed commercial general liability, auto and worker's compensation insurance, that will name the Town as insured.
- **Licenses, Approvals and Permits.** Provide a statement that the offeror agrees to obtain all necessary licenses, permits and approvals as required and will abide by local, state and federal laws and abide by all applicable health, safety and environmental codes and regulations.

B. Financial Plan

The offeror shall provide a financial plan. This financial plan, as a minimum, should contain quarterly projections for the initial term of agreement and annual projections for all subsequent renewal terms that would be anticipated in a final Concessionaires Agreement. Although other terms can be proposed, it is anticipated that the Town would entertain an initial agreement for a period of five years with up to three (3) five-year (5 year) renewal terms.

The financial plan shall show:

- (1) expected funding amounts to bring the property up to the standards required for the proposed use,
- (2) expected funding required to cover the cost of continued operation and maintenance,
- (3) projected amounts and types of revenue sources and any proposed share of revenues with the Town,
- (4) documentation substantiating the ability to meet the financial requirements, physical improvements and operational requirements of their proposal. This may be with the evidence of

funds available in accounts marked for the expenses required to execute the proposal, and statements of potential donors and those offering in-kind services or material donations.

SECTION 5: EVALUATION AND SELECTION

Evaluation Procedure

Proposals shall be reviewed by a technical evaluation committee (“TEC”) comprised of staff from the Town.

The TEC first shall consider technical proposals.

Each proposal section (Technical and Financial) must receive a minimum of 80 evaluation points out of a maximum of 100 points to advance to the final evaluation phase. Any proposals scoring less than 80 points on either proposal section will not get further consideration.

Technical proposals scoring 80 points or higher on both will be considered “finalists” for further evaluation. Further evaluation may require written clarification and oral discussion with some or all finalists.

Evaluation Criteria

Technical Proposals will be evaluated in accordance with the following criteria

- (25 Points) How clearly and completely does the proposal provide for a viable Strategic and Operations Plan that clearly demonstrates the offeror’s plan to provide services and maintain the facilities?
- (25 Points) How well does the offeror’s plan completely and accurately describe existing conditions of the property and the major material issues and improvements needed to the property that will enhance the functionality and value of the property? Does it include viable plans to stabilize, maintain and improve the condition of the property and upgrade the facility to Fire and Building Code status for the most restrictive expected use?
- (25 Points) How well does the plan provide for the use of the Town-owned property as a multi-use complex that maximizes opportunities for both public and private use?
- (10 Points) How well does the plan provide for establishing and maintaining a long-term relationship with the Town with continued Town ownership of the property?
- (5 Points) How compatible is the plan with respect to the use of adjacent sports fields?

- (5 Points) Is the plan for staffing adequate to maximize use and provide protection of the property?
- (5 Points) How well does the plan ensure the safety and convenience for the users of the property?
- (YES or NO) Does the proposal satisfy the requirements for a continuing performance bond and provide for adequate insurance coverage? (A grade of “NO” excludes the offeror from further consideration).

The Financial Plan will be evaluated in accordance with the following criteria.

- (40 Points) Does the Financial Plan meet the specified requirements?
- (40 Points) Is the Financial Plan considered realistic and attainable?
- (20 Points) How well does the plan provide for funding source for the Town?

The Town reserves the right to select the concessionaire that it deems to be most qualified to provide the goods and/or services as specified herein; and, conversely, reserves the right to cancel the solicitation in its entirety in its sole discretion.

SECTION 6. QUESTIONS

Questions concerning this solicitation must be e-mailed to the Town at rtalipsky@PortsmouthRI.com no later than the date and time indicated on page one of this solicitation. No other contact with Town parties, except as otherwise specified in this RFP, is permitted. Please reference the RFP # on all correspondence. Questions may be submitted as email text or as a Microsoft Word attachment in a narrative format. Questions received, with answers, if any, shall be posted on the Town website (www.PortsmouthRI.com) as an addendum to this solicitation. It is the responsibility of all interested parties to monitor the Town website for any procurement related postings such as addenda. If technical assistance is required, call Richard Talipsky at 401-643-0382.

SECTION 7. PROPOSAL CONTENT

A. Proposals shall include the following:

1. **Cover letter:** dated and signed by an officer of offeror’s organization that includes the following:

“Subject: Response to Portsmouth RI RFP # _____”

“This proposal is submitted in response to Town of Portsmouth, RI Request for Proposals (RFP # _____).”

“The enclosed proposal, to the best of my knowledge, conforms to the

requirements of the RFP. My organization will abide by all of the requirements of the RFP.”

“Questions concerning the contents of the proposal should be addressed to:

(Organization of Offeror)

(Mailing Address of Offeror)

(Name of Offeror’s Primary Point of Contact)

(Point of Contact e-mail)

(Point of Contact telephone number (s) (Land Line and/or Cell and FAX)”

The cover letter can also contain any other information that the offeror feels are necessary to further describe their offer.

2. **Technical Proposal Section** – Provide the information required by the Section 4 -PROPOSAL, A. “Technical Proposal” 4 above.
3. **Financial Plan Section** - Provide the information required by the Section 4 – PROPOSAL, B. “Financial Plan” above.

A. Formatting of proposals:

- a. Formatting of written documents and printed copies:
 - i. For clarity, the proposal shall be typed. These documents shall be single-spaced with 1” margins on white 8.5”x 11” paper using a font of no less than 12 point Calibri or 12 point Times New Roman.
 - ii. Technical Proposal. All pages on the proposal are to be sequentially numbered in the footer, starting with number 1 on the first page of the narrative (this does not include the cover page or table of contents) through to the end, **including all forms and attachments**. The Offeror’s name should appear in the header on every page, including attachments. Each attachment should be referenced appropriately within the proposal section and the attachment title should reference the proposal section it is applicable to. (e.g., “Technical Proposal References
 - iii. The Financial Plan narrative section shall be typed using the formatting provided above. Financial spreadsheets can be up to 11 inch X 17 inch and folded into an 8.5” X 11” format.
 - iv. Diagrams can be in a format up to 11 inch X 17 inch and folded to an 8.5 inch X 11 inch format.
- b. Printed copies are to be enclosed in covers or binders that allow removal of contents.

- c. Formatting of electronic copies:
 - i. Electronic files shall be submitted in text-readable PDF (portable document file) format. Financial spreadsheets shall be submitted as MS EXCEL files (Version 2010 or newer)
 - ii. CDs or DVDs submitted must be labeled with:
 - Offeror's Name (Organization)
 - "Portsmouth RFP # _____"
 - "Proposal for Use of Coggeshall School"
 - "Disk # of _____"
 - iii. If file sizes require more than one disk multiple disks are acceptable. Each disk must include the above labeling and additional labeling of how many disks should be accounted for (e.g., 3 disks are submitted for a technical proposal and each disk should have additional label of '1 of 3' on first, '2 of 3' on second, etc.)

Offerors are responsible for testing their disks before submission as the Town's inability to open or read a disk may be grounds for rejection of an offeror's proposal. All files should be readable and readily accessible on the disks submitted with no instructions to download files from any external resource(s). If a file is partial, corrupt or unreadable, the Town may consider it "non-responsive". USB Drives or any other electronic media shall not be accepted. Please note that disks submitted will not be returned.

- 4. Numbers of Copies. Submit the proposal as follows:
 - a. One (1) proposal hard copy labeled "ORIGINAL" with original signatures.
 - b. Three (3) proposal hard copies marked "Copy 1 of 3", Copy 2 of 3" and Copy 3 of 3"
 - c. One (1) Electronic copy on a DVD or CD, labeled as specified above.

SECTION 8. PROPOSAL SUBMISSION

Interested offerors must submit proposals to provide the goods and/or services covered by this RFP on or before the date and time listed on the cover page of this solicitation. Responses received after this date and time, as registered by the official time clock in the Town Finance Office, shall not be accepted.

Proposals should be sent by traceable methods (e.g., FEDEX, USPS, UPS, etc.) (or hand-delivered) in a sealed envelope or package marked and addressed:

Town of Portsmouth
 Finance Office
 RFP # _____

Hold for Opening
2200 East Main Road
Portsmouth RI 02871

NOTE: Proposals received after the above-referenced due date and time shall not be accepted. Proposals misdirected to other locations or those not presented to the town Finance Office at or before the scheduled due date and time shall be determined to be late and shall not be accepted. It is the responsibility of the offeror to ensure proposals arrive in time considering mailing and delivery times. Proposals faxed, or emailed, to the Town shall not be accepted. The official time clock is in Town Finance Office.

SECTION 9. CONCLUDING STATEMENTS

Notwithstanding the above, the Town reserves the right to accept or reject any or all proposals, and to award in the Town's best interest.

Proposals found to be technically or substantially non-responsive at any point in the evaluation process will be rejected and not considered further.

If a Concessionaire is selected for an award, no work or services are to commence until specifically authorized in writing by the Town.