


Memorandum



Date: July 2, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

Agenda Item No. 8(A)(6)

From: Carlos A. Gimenez
County Mayor 

Subject: Recommendation to Reject - Request for Proposals for the Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities, RFP No. MDAD-08-12

RECOMMENDATION

It is recommended that the Board of County Commissioners reject the three (3) proposals received from the following firms for the subject project:

- NEF & JM Associates Incorporated dba EFM Hospitality Solutions (EFM)
- Driftwood Hospitality Management II, LLC (Driftwood)
- Menin Hotels, LLC (Menin)

SCOPE

Miami International Airport (MIA) is located primarily within Chairwoman Rebeca Sosa's District Six. However, the impact of this item is countywide as MIA is a regional asset.

FISCAL IMPACT/FUNDING SOURCE

Not applicable as this is a rejection.

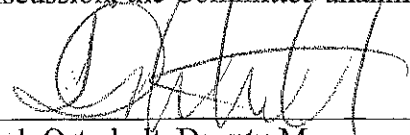
TRACK RECORD/MONITOR

Not applicable as this is a rejection.

BACKGROUND

The Request For Proposals (RFP) for the subject project was advertised on January 11, 2013 for a qualified firm to manage, operate, and maintain a full service hotel, related amenities and food and beverage facilities at Miami International Airport in a first class manner. The term for the Management Agreement (Agreement) is seven (7) years. This Agreement may be extended at the sole discretion of the Department for a maximum of three (3) one-year extensions.

On February 27, 2013, proposals were received from the three (3) firms listed above. One of the firms, Menin, was subsequently found non-responsive by the County Attorney's Office. The Committee met on May 7, 2013 to review the remaining two (2) responsive proposals submitted in response to the RFP and again for oral presentations on May 30, 2013. However, as a result of the May 24, 2013 MDAD letter recommending rejection of all proposals, the oral presentations were cancelled and the public hearing meeting was rescheduled as a Selection Committee public meeting. At this meeting, the Committee discussed the May 24, 2013 MDAD letter addressed to the Committee recommending rejection and the provisions of RFP Section 2.12 entitled "RFP Postponement/Rejection/Cancellation". The letter addressed concerns regarding the lack of interest from the industry in the RFP. After a brief discussion, the Committee unanimously voted to reject the three (3) proposals received.



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(A)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor

Agenda Item No. 8(A)(6)

7-2-13

Veto _____

Override _____

RESOLUTION NO. _____

RESOLUTION REJECTING ALL PROPOSALS RECEIVED IN CONNECTION WITH THE NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES AT MIAMI INTERNATIONAL AIRPORT, RFP NO. MDAD-08-12

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board hereby rejects all proposals received in connection with the Non-Exclusive Management Agreement for Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities at Miami International Airport, RFP No. MDAD 08-12.

The foregoing resolution was offered by Commissioner who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban L. Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

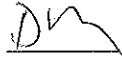
The Chairman thereupon declared the resolution duly passed and adopted this 2nd day of July, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



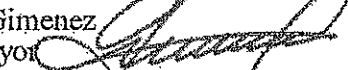
David M. Murray

Memorandum



Date:

To: Lenora Allen-Johnson, Chairperson
Evaluation/Selection Committee
Miami-Dade Aviation Department

From: Carlos A. Gimenez
County Mayor 

Subject: Committee Report- Miami-Dade Aviation Department
Request For Proposals for the Non-exclusive Management Agreement
For the Operation of the Hotel MIA, Related Amenities and Food and
Beverage Facilities, RFP No. MDAD-08-12

With reference to your report of June 3, 2013 (copy attached) concerning the above captioned subject, this is to advise you that pursuant to Implementing Order 3-38, I hereby authorize the Miami-Dade Aviation Department (MDAD) to prepare a recommendation to reject the Proposals received for the subject project as recommended by MDAD and the Selection Committee.

Attachments

C: Clerk of the Board of County Commissioners

EVALUATION/SELECTION COMMITTEE:

Lenora Allen-Johnson, MDAD (Non-voting, Chairperson)

Ray Diaz, MDAD

Sara Del Calvo, MDAD

Dialis Burke-Wheeler, MDAD

James Burchett, Airport and Aviation Professionals

Rolando L. Aedo, Greater Miami

Convention & Visitors Bureau

Juan Carlos Liscano, American Airlines

Memorandum



Date: June 3, 2013

To: The Honorable Carlos A. Gimenez
County Mayor

From: Lenora Allen-Johnson, Chairperson
Evaluation/Selection Committee
Miami-Dade Aviation Department

Subject: Evaluation/Selection Committee Report - Miami-Dade Aviation Department
(MDAD) Request for Proposals for the Non-exclusive Management Agreement
For the Operation of the Hotel MIA, Related Amenities and Food and
Beverage Facilities
RFP No. MDAD-08-12

As authorized by Implementing Order 3-38, and your memoranda dated March 7, 2013 and April 26, 2013, the designated Evaluation/Selection Committee ("Committee") met and conducted the selection process for the subject project on Tuesday, May 7, 2013 for the Prescreening meeting, and Thursday, May 30, 2013 for a Selection Committee meeting. This process was conducted in accordance with the procedure specified by the Request for Proposals ("RFP") as described in the attached summary minutes.

PRESCREENING MEETING OF TUESDAY, MAY 7, 2013

As announced in the Metro Calendar, the Committee met on Tuesday, May 7, 2013 at the Miami-Dade County Aviation Department, 4200 NW 36 Street, Bldg. 5A, 4th Floor, Conference Room F, Miami, Florida and undertook a review of the proposals submitted by the following three (3) proposers:

- NEF & JM Associates Incorporated dba EFM Hospitality Solutions (EFM)
- Driftwood Hospitality Management II, LLC (Driftwood)
- Menin Hotels, LLC (Menin).

The Committee was informed of the non-responsiveness ruling received from the County Attorney's Office for Menin. The County Attorney's Office explained the difference between responsiveness and responsibility. The Airport Concession Disadvantaged Business Enterprise (ACDBE) participation for this project was voluntary. The Committee also heard from MDAD Finance, Minority Affairs, and Commercial Operations Divisions regarding their analysis of their respective areas as it related to this project. The Chairperson reviewed the handouts with the Committee, and explained the details of the process as they relate to the subject project. The Committee then recommended that we proceed to invite the two (2) remaining responsive proposers to make an oral presentation before the Committee at the public hearing meeting

**The Honorable Carlos A. Gimenez
Evaluation/Selection Committee Report-
Miami-Dade Aviation Department
Request For Proposals for the Non-exclusive Management Agreement
For the Operation of the Hotel MIA, Related Amenities and Food and
Beverage Facilities
RFP No. MDAD-08-12
Page 2 of 2**

scheduled for May 30, 2013. The Committee also chose to request the missing budget information discussed at the meeting from EFM prior to the scheduled public hearing meeting.

SELECTION COMMITTEE MEETING OF THURSDAY, MAY 30, 2013

As advertised in the Metro Calendar, a Selection Committee meeting was held on Thursday, May 30, 2013 at the Miami-Dade County Aviation Department, 4200 NW 36 Street, Bldg. 5A, 4th Floor, Conference Room F, Miami, Florida. As a result of the May 24, 2013 MDAD letter recommending rejection of all proposals, the oral presentations were cancelled and the public hearing meeting was rescheduled as a Selection Committee public meeting. At this meeting, the Committee discussed the May 24, 2013 MDAD letter addressed to the Committee recommending rejection and the provisions of RFP Section 2.12 entitled "RFP Postponement/Rejection/Cancellation". The Committee proceeded to recommend rejection of all proposals for the subject RFP.

Attached are the following items to substantiate the actions taken to date:

1. Summary Minutes of the Prescreening
2. Summary Minutes of the Selection Committee meeting

C: Clerk of the Board of County Commissioners

EVALUATION/SELECTION COMMITTEE:

Lenora Allen-Johnson, MDAD (Non-voting, Chairperson)

Ray Diaz, MDAD

Sara Del Calvo, MDAD

Dialis Burke-Wheeler, MDAD

James Burchett, Airport and Aviation Professionals

Rolando L. Aedo, Greater Miami

Convention & Visitors Bureau

Juan Carlos Liscano, American Airlines

MIAMI-DADE AVIATION DEPARTMENT
REQUEST FOR PROPOSALS
FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT
FOR THE OPERATION OF THE HOTEL MIA,
RELATED AMENITIES AND
FOOD AND BEVERAGE FACILITIES

RFP NO. MDAD-08-12

SUMMARY OF MINUTES
PRESCREENING MEETING
MAY 7, 2013

As authorized by the Mayor's memoranda dated March 7, 2013 and April 26, 2013, the individuals listed below met on Tuesday, May 7, 2013, at the Miami-Dade Aviation Department (MDAD), 4200 NW 36th Street, Bldg. 5A, 4th Floor, Conference Room F, Miami, Florida, to review the materials submitted by the two (2) remaining proposing firms in response to the public notice for the subject Request for Proposals (RFP) as follows:

- NEF & JM Associates Incorporated dba EFM Hospitality Solutions (EFM)
- Driftwood Hospitality Management II, LLC (Driftwood)

Note that the third proposing firm Menin Hotels, LLC (Menin) was deemed non-responsive by the County Attorney's Office.

EVALUATION/SELECTION COMMITTEE

Lenora Allen-Johnson, MDAD (Non-voting, Chairperson)
Ray Diaz, MDAD
Sara Del Calvo, MDAD
Dialis Burke-Wheeler, MDAD
James Burchett, Airport and Aviation Professionals
Rolando L. Aedo, Greater Miami
Convention & Visitors Bureau
Juan Carlos Liscano, American Airlines

SUPPORT STAFF

Danny Frastai, CAO
David Murray, CAO
Marie Clark-Vincent, MDAD
Milton Collins, MDAD
Betty Ortiz-Valdes, MDAD
Angela Fernandez, MDAD

Ms. Lenora Allen-Johnson, Chairperson, opened the Evaluation/Selection Committee meeting with introductions. The Evaluation/Selection Committee (Committee) then received a brief

description of the scope and the Department's expectation from Committee member and Project Manager, Ray Diaz.

The Committee was informed of the non-responsiveness ruling received for Menin. Assistant County Attorney Daniel Frastai addressed the non-responsiveness opinion he provided and the fact that Menin did not meet the requirements of the RFP subsection 2.8 regarding Proposal Guaranty Deposit. Mr. Frastai also addressed the difference between responsiveness and responsibility. Menin, who attended the subject meeting, received permission from the Committee to speak and use this opportunity to take exception to the ruling and voice their disagreement with the ruling.

In accordance with the process, copies of the proposals received on February 27, 2013, the RFP, neutrality affidavit, and other project related documents were sent to the Committee members prior to the prescreening meeting. Copies of the neutrality affidavits were collected prior to the prescreening meeting, and as a result, it was discovered that one of the approved committee members, Robert Taylor might have a conflict. The conflict was presented to the Commission on Ethics Office and they determined that Mr. Taylor could not participate as a panelist due to a conflict of interest. Mr. Taylor was subsequently removed from the Committee. The Committee was informed of this fact and no other conflicts were noted.

Milton Collins, MDAD Minority Affairs Division, discussed the voluntary Airport Concession Disadvantaged Business Enterprise (ACDBE) participation. Mr. Collins discussed how goals are applied under the voluntary program. The Committee was then informed that both EFM and Driftwood had submitted participation for ACDBE's and were in compliance with the ACDBE participation provisions. The Committee was also informed of the 100 criteria points for the voluntary participation and their responsibility regarding the application of these points.

Betty Ortiz-Valdes, MDAD Commercial Operations Division of MDAD was then asked to discuss the minimum qualifications review conducted. It was discussed that EFM did not provide a budget according to the requirements of the RFP. Mrs. Ortiz-Valdes also conducted the reference checks and the results were provided to the Committee.

The Office of Professional Compliance conducted a review of the financial information provided and based on their findings, Driftwood provided the requested financial documents. However, clarification was needed for EFM regarding the tax forms provided. Note that clarification was subsequently requested and received but was not sufficient to change the financial analysis.

The Chairperson discussed the handout packages with the Committee and reminded them of their responsibilities as Committee members pursuant to the RFP. The Committee then requested to know their options and was informed that they could request the missing information or proceed with scheduling the public hearing oral presentation meeting. The Committee chose to request

the missing budget information from EFM and scheduled the oral presentations for May 30, 2013.

The following motion was taken:

Moved: Rolando Aedo

Motion: The Committee moved to request the budget and supporting documents as required by the RFP from EFM within five (5) business days.

Seconded: Juan Liscano

Action: Unanimously adopted by the Committee

The following motion was then taken:

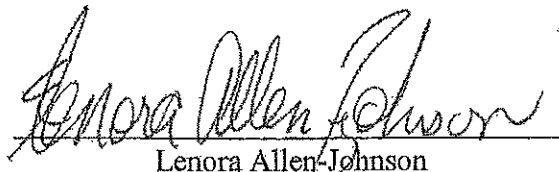
Moved: James Burchett

Motion: The Committee moved to invite the two (2) remaining proposing firms for oral presentations.

Seconded: Ray Diaz

Action: Unanimously adopted by the Committee

The Committee then discussed proceeding with oral presentations as follows: forty (40) minutes for oral presentations, and ten (10) minutes for questions/answers. Staff will also build in five (5) minutes for set-up.



Lenora Allen-Johnson
Chairperson (Non-voting)

MIAMI-DADE AVIATION DEPARTMENT
REQUEST FOR PROPOSALS
FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT
FOR THE OPERATION OF THE HOTEL MIA,
RELATED AMENITIES AND
FOOD AND BEVERAGE FACILITIES

RFP NO. MDAD-08-12

SUMMARY MINUTES OF THE SELECTION COMMITTEE MEETING
THURSDAY, MAY 30, 2013

The following Evaluation/Selection Committee (Committee) members met on May 30, 2013 at the Miami-Dade Aviation Department (MDAD), 4200 NW. 36th Street, Bldg. 5A, 4th Floor, Conference Room "F" to discuss the MDAD recommendation to reject all proposals received for the subject RFP.

EVALUATION/SELECTION COMMITTEE

Lenora Allen-Johnson, MDAD (Non-voting, Chairperson)
Ray Diaz, MDAD
Sara Del Calvo, MDAD
Dialis Burke-Wheeler, MDAD
James Burchett, Airport and Aviation Professionals
Rolando L. Aedo, Greater Miami
Convention & Visitors Bureau
Juan Carlos Liscano, American Airlines

SUPPORT STAFF

Cynji Lee, CAO
Marie Clark-Vincent, MDAD
Milton Collins, MDAD
Betty Ortiz-Valdes, MDAD
Angela Fernandez, MDAD

Ms. Lenora Allen-Johnson, Chairperson, opened the Selection Committee meeting with introductions and discussed the events from the prescreening meeting to date including the cancelling of the oral presentations scheduled with the two responsive proposers at the public hearing meeting. Note that the public hearing meeting was cancelled and rescheduled as a Selection Committee public meeting. Discussions were then had regarding the attached MDAD letter dated May 24, 2013 addressed to the Committee recommending rejection of the proposals received. The Committee was also directed to Section 2.12 of the RFP which allows MDAD to reject proposals and postpone or cancel the RFP process at any time. The MDAD letter

Summary Minutes of the Selection Committee
RFP for the Operation of the Hotel MIA, Related Amenities and
Food and Beverage Facilities
RFP No. MDAD-08-12
Page 2 of 2

addressed concerns regarding the lack of interest from the industry, and that none of the national firms responded. Mr. Rolando Aedo from the Greater Miami Convention & Visitors Bureau offered his assistance with future efforts to gain the interest of national firms.

The Committee then requested direction from the County Attorney's Office and after hearing their options, recommended the following motion:

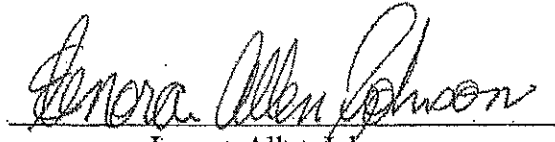
Moved: James Burchett

Motion: To recommend rejection of all proposals received for the subject RFP.

Seconded: Rolando Aedo

Action: Unanimously Adopted

Also, the Chairperson explained the next steps in the process including proceeding to get the County Mayor's approval to recommend rejection to the Board.



Lenora Allen-Johnson
Chairperson (Non-voting)

MAY 24, 2013 MDAD LETTER

3



Miami-Dade Aviation Department
P.O. Box 025504
Miami, Florida 33102-5504
T 305-876-7000 F 305-876-0948
www.miami-airport.com

miamidade.gov

Commercial Airports:
Miami International Airport

General Aviation Airports:
Dade-Collier Training & Transition
Homestead General
Kendall-Tamiami Executive
Opa-locka Executive

May 24, 2013

To the Members of the Selection Committee:

Re: Operation of Hotel MIA – Related Amenities & Food & Beverage Facilities - RFP No. MDAD-08-12

The first impression many visitors have of Miami and the Beaches is Miami International Airport (MIA). It is thus essential that MIA facilities are world class, as befits these world class destinations. As I am concerned that the current procurement does not ensure that the MIA Hotel will be consistent with this goal, I ask this Committee to reject all proposals, such that a subsequent procurement can be designed that will lead to a hotel that both enhances the reputation of MIA and that is a destination in and of itself.

Specifically, I am concerned that only three firms responded to this solicitation, only two of which were responsive. Given the location and occupancy rates of the MIA Hotel, I am deeply troubled that competition for this award is not more robust. Additionally, no national firms proposed. These facts suggest to me that our current process is flawed.

Moreover, I believe it behooves the airport to review what actions we can take to improve the hotel's amenities in order to attract more customers and also more potential operators. While it may be that fiscal and physical constraints exist, I am determined to review all options that exist for maximizing the impact of the property. In the event this procurement is terminated, I intend to seek input from the industry as to possible facility improvements that can be pursued.

The instant procurement will tie the hands of the Airport for ten years. As I do not believe that this procurement will lead to selection of the best, rather than the least-bad, operator, I cannot at this time support this procurement, and therefore respectfully ask that proposals be rejected.

Sincerely,

Emilio T. Gonzalez
Director

- C: Lenora Allen-Johnson, Contracting Officer
- Ray Diaz, Chief Commercial Operations
- Marie Clark-Vincent, Contracts Division
- David Murray, County Attorney
- Harvey Ruvn, Clerk of the Courts
- Selection Committee Members

CONTRACT MEASURE COMPLIANCE MEMO

Memorandum



Date: March 14, 2013

To: Lenora Allen-Johnson
MDAD Contracts Administration Division

From: Milton Collins *MJC*
MDAD-Minority Affairs Division

Subject: Project: Management and Operation of the Hotel MIA
Project No. RFP No. MDAD-08-12
ACDBE Compliance Review

HAND DELIVERED

The Minority Affairs Division has completed its compliance review of the above-referenced project for compliance with the Airport Concession Disadvantaged Business Enterprise (ACDBE) Program as per the requirements of the Code of Federal Regulations (49 CFR Part 23). The contract measure applicable to this project is voluntary ACDBE participation.

On March 7, 2013, the Minority Affairs Division received from the MDAD Contracts Administration Division Bid documents for three (3) firms for ACDBE Compliance Review.

1) Driftwood Hospitality Management II, LLC:

- Met ten (10) percent voluntary ACDBE participation.
- Submitted ACDBE Utilization Form, Schedule of Participation (SOP), ACDBE Letter of Intent (LOI), draft subcontract agreement with Senlex Environmental LLC to provide housekeeping, houseman, laundry and janitorial personnel services.
- Driftwood Hospitality Management II is eligible for the 100 points (or part of) noted in the Selection Criteria section of the RFP (Enclosure 1).

Table 1

Project:	Management and Operation of the Hotel MIA				
Project No:	RFP- MDAD-08-12				
Proposer:	Driftwood Hospitality Management II, LLC				
ACDBE Compliance Review					
ACDBE Certified Firm	DBE %	Certified*	Utilization	SOP	LOI
Senlex Environmental LLC.	10.0%	Yes	YES	YES	YES
* Source: SBD and Florida UCP					

2) NEF & JM Associates Incorporated D.B.A. efmHospitality Solutions

- Met twelve (12) percent voluntary ACDBE participation.
- Submitted ACDBE Utilization Form, Schedule of Participation (SOP), ACDBE Letter of Intent (LOI).
- efmHospitality Solutions is eligible for the 100 points (or part of) noted in the Selection Criteria section of the RFP (Enclosure 2).

Table 2

Project: Management and Operation of the Hotel MIA	
Project No: RFP- MDAD-08-12	
Proposer: efmHospitality Solutions	
ACDBE Compliance Review	
ACDBE Certified Firm	DBE % Certified Utilization SOP LOI
AWA Security Inc.	8%-10% Yes Yes Yes Yes
National Cleaning Contractors USA, Inc.	4%-6% Yes (DBE) Yes Yes Yes
ACDBE Participation %	12.0%
* Source: SBD and Florida UCP	

3) Menin Hotels

- Met one (0.01) percent voluntary ACDBE participation.
- Submitted ACDBE Utilization Form, Schedule of Participation (SOP), ACDBE Letter of Intent (LOI).
- Menin Hotels is eligible for the 100 points (or part of) noted in the Selection Criteria section of the RFP (Enclosure 3).

Table 3

Project: Management and Operation of the Hotel MIA	
Project No: RFP- MDAD-08-12	
Proposer: Menin Hotels	
ACDBE Compliance Review	
ACDBE Certified Firm	DBE % Certified Utilization SOP LOI
Excellent Fruit & Produce, Inc.	17.0% Yes Yes Yes Yes
* Source: SBD and Florida UCP	

If any of the ACDBE firms listed on the Schedule of Participations as ACDBEs are found not to be eligible after award, it must be substituted in accordance with Section IV of the ACDBE Participation Provisions contained in the project Bid documents.

Please note that Minority Affairs staff only reviewed and addressed compliance with the ACDBE Program.

Should you have any questions or need additional information, please contact me at (305) 876-7221 or Abebe Teclé at (305) 876-7386.

Enclosures: 3

cc:

- A. Teclé
- File

Enclosure 1



"Delivering Excellence Every Day"

MIAMI-DADE AVIATION DEPARTMENT
Minority Affairs Division

ACDBE UTILIZATION FORM


[The ACDBE Utilization Form, Schedule of Participation and Letter of Intent are required as part of the solicitation documents.]

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space).

- The bidder/offeror is committed to a minimum of 10 % ACDBE utilization in this Contract. 10% OF ESTIMATED ANNUAL OPERATING BUDGET INCLUDING MANAGEMENT FEES
- The bidder/offeror (if unable to meet the ACDBE goal of _____%) is committed to a minimum of _____% ACDBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: DRAFTWOOD HOSPITALITY MANAGEMENT II, LLC

State Registration No. M10000000433

By: 
(Print Name)
CARLOS RODRIGUEZ
(Signature)

Date: 2-26-13
Title: EXECUTIVE VICE PRESIDENT

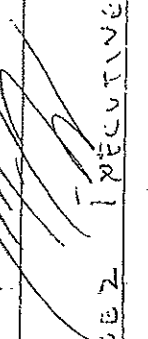
SCHEDULE OF PARTICIPATION BY ACDBE FIRMS

Listed below is the information pertaining to "certified" ACDBE firms who will be participating in this contract.

NAME OF ACDBE FIRMS	DESCRIPTION OF SERVICES	% OF BID/PROPOSAL
SCNEX ENVIRONMENTAL LLC	PROVIDE HOUSE KEEPING, HOUSEHOLD MAINTENANCE AND SANITIZABLE PERSONNEL	10% OF ESTIMATED OPERATING BUDGET MANAGEMENT FEES

Form to be completed and signed by the Bidder/Proposer. I certify that the representation contained in this Schedule of Participation are to the best of my knowledge true and accurate.

Date
2-26-13

Signature of Proposer

 CARLOS RODRIGUEZ
 Print Name

Title
 EXECUTIVE VICE PRESIDENT
 DRIFTWOOD HOSTELTY
 Company Name
 MANAGEMENT II, LLC

**LETTER OF INTENT
AIRPORT CONCESSION DISADVANTAGED BUSINESS
ENTERPRISE PARTICIPATION**

ACDBE Firm: SENLEX ENVIRONMENTAL LLC
 INCLUDING MANAGEMENT AGREEMENT FOR THE OPERATION
 Project: OF THE HOTEL MIA RELATED AMENITIES & FOOD AND BEV. FACILITY
 Contract Number: MDAS 08-12 Total % of Bidder/Proposal: 10% OF ESTIMATED ANNUAL
OPERATING BUDGET INCLUDING MANAGEMENT FEES

The undersigned holds ACDBD Certificate No. 12255 expiring on 7-22-2013
 Please Provide ACDBE Certification letter or proof of certification from the Florida Unified
 Certification Program (FLUCP) or the Miami-Dade County, Small Business Development (SBD),
 Division of the Department of Sustainability, Planning and Economic Enhancement (SPEED).

The undersigned intends to perform the following work in connection with the above Bid/
 Proposal (Describe): PROVIDE HOUSEKEEPING, HOUSEMAN, LAUNDRY &
JANITORIAL PERSONNEL

Description of Services	% of Bid/Proposal
<u>HOUSEKEEPING, HOUSEMAN, LAUNDRY & JANITORIAL PERSONNEL</u>	<u>10% OF ESTIMATED ANNUAL OPERATING BUDGET INCLUDING MANAGEMENT FEES</u>

Total% 10%

Print Name JONATHAN DETSEN Title DEVELOPMENT DIRECTOR

ACDBE Firm SENLEX ENVIRONMENTAL LLC

Signature [Signature] Date 2-26-13

BizNet Profile: SENLEX ENVIRONMENTAL LLC

Name: SENLEX ENVIRONMENTAL LLC
Business Description: JANITORIAL SERVICES AND WASTE COLLECTION
Street: 15900 SW 101 AVENUE
City: MIAMI State: FL Zip: 33157-0000
County: DADE District: DISTRICT SIX
Phone: (800) 284-0394 Fax: (305) 255-0709
E-mail:
Work Location:
County:
District:
Contact: JONATHAN DOTSON
UCP Cert. DBE State Cert.: OBE UCP Certifying Member: MDC
First SC: First NAICS: 56172
2nd SC: 3rd SC: 4th SC: 5th SC: 6th SC: 7th SC: 8th SC: 9th SC: 10th SC:
2nd NAICS: 3rd NAICS: 4th NAICS: 5th NAICS: 6th NAICS: 7th NAICS: 8th NAICS: 9th NAICS: 10th NAICS:
DBE: Yes

NOTE:

OBE stands for Other Business Enterprise indicating that the firm is not certified.

[Return to the Main Menu](#)

[Back to Search Results](#)

Florida Department of Transportation 2008.

SUBCONTRACT AGREEMENT FOR STAFFING SERVICES

Miami International Airport Hotel

This Subcontract Agreement for Staffing Services ("Agreement") is entered into by and between DRIFTWOOD HOSPITALITY MANAGEMENT II, LLC, a Florida limited liability company ("Manager") and SenLex Environmental LLC, a Florida limited liability company ("SenLex") as of this ___ day of _____, 2013. Manager and SenLex are individually or collectively referred to as a "Party" or the "Parties." Manager and SenLex hereby agree as follows:

RECITALS

- A. Miami-Dade County ("Owner") is the owner of the hotel located within Miami International Airport at 4200 NW 21st Street, Miami, Florida 33122 and known as Miami International Airport Hotel (the "Hotel").
- B. Owner has issued a request for proposal for the management of the Hotel (the "RFP").
- C. Manager plans to submit a bid under the RFP.
- D. If Manager is awarded the management contract (the "Management Contract") for the Hotel pursuant to the RFP, then Manager intends to engage SenLex to provide staffing services of housekeeping, houseman, laundry and janitorial personnel to Manager in connection with Manager's management of the Hotel, and SenLex intends to accept engagement, all on the terms and conditions set forth in this Agreement.
- E. This Agreement is subject to the condition that Owner and Manager shall enter into a Management Contract for management of the Hotel by Manager.

NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, THE PARTIES AGREE AS FOLLOWS:

1. Submission of RFP. SenLex shall co-operate with Manager in the preparation, submission and pursuit of a successful bid under the RFP. Without limiting the generality of the foregoing, SenLex agrees to undertake the actions described in this Section 1 in order to enable Manager to make a timely filing and to comply with the requirements of Miami Dade County. In compliance with the RFP, SenLex shall complete and provide an executed original of each of the following: (A) ACDBE Utilization Form (ACDBE Schedule 1 to RFP); (B) Schedule of Participation (ACDBE Schedule 2 to RFP); (C) Letter of Intent (ACDBE Schedule 3 to RFP); and (D) Description of the experience of the SenLex, as listed on the Experience Sheet (ACDBE Schedule 4 to RFP). SenLex shall send the ACDBE Certification Letter or proof of certification from the Florida Unified Certification Program (FLUCP) at (850) 414-4747 website: <http://www.dot.state.fl.us/equalopportunityoffice>; or the Miami-Dade County, Department of

Regulatory & Economic Resources, Small Business Development Division (SBD) at Phone: (305) 75-3111 website: <http://new.miamidade.gov/businesscertification-programs-DBE.asp>.

SenLex shall prepare and provide a description of SenLex and resumes and biographies for its key personnel. SenLex shall make itself and its key personnel available for any meeting Manager has concerning the RFP and SenLex will assist Manager in its efforts to become the successful bidder under the RFP. If Manager fails to be the successful bidder under the RFP, or if on or before [date] Manager and Owner fail to enter into a Management Contract for management of the Hotel by Manager, then, upon written notice from Manager to SenLex, this Agreement shall terminate and neither party shall have further liability to the other.

2. Description of Services. The services to be performed by SenLex under this Agreement ("Services") consist of those described in the attached Exhibit A, which also specifies the compensation to be paid to SenLex for such Services. In performing the Services, SenLex agrees to the following terms and conditions: SenLex will provide all the personnel that Manager requests within two (2) weeks of a formal written request for new persons to be added to the Hotel staff. Manager will have the right to interview and approve each of said persons prior to their engagement to work at the Hotel. At Manager's absolute discretion, SenLex will immediately (i.e., within 48 hours) substitute with an adequate replacement any person that Manager advises SenLex that Manager does not want to continue working at the Hotel. SenLex will adequately train and provide uniforms to all personnel SenLex provides to work at the Hotel. SenLex will be responsible to maintain or replace such uniforms so that they remain in good and clean condition at all times, and meeting the operational standards of the Hotel. SenLex will give preference to hiring minority persons for the positions Manager requires under this Agreement in accordance with the spirit and requirements of the RFP and applicable laws and regulations.

3. Screening and Training of Employees. Before submitting any personnel to work at the Hotel, SenLex shall screen all candidates for eligibility to work and suitability for the positions they will fill at the Hotel. Such screening shall include drug testing, criminal and financial background checks, and compliance (by use of E-Verify or other investigative sources) with eligibility standards of the Social Security Administration, the U.S. Department of Homeland Security and other federal or state governmental agencies having jurisdiction over employment matters. For candidates whose eligibility to work has been verified, SenLex shall provide adequate training and instruction in the use of all equipment, techniques, safety protocols, supplies and chemicals so that such employees will be able to competently, safely and efficiently perform their duties while working at the Hotel. Such training shall also include instruction in dealing with Hotel guests and visitors consistent with the hospitality operating standards of the Hotel.

4. Addition/Modification of Services. The Services are not subject to modification or addition unless SenLex obtains a written approval of the modification or addition signed by Manager ("Change Order"). The contents of a written Change Order shall include at a minimum all of the following: (a) a description of the particular modification or addition to the Services; (b) the amount of any change in SenLex's Compensation (as defined below) resulting from the modification or addition; (c) any revisions in commencement, completion or delivery dates, if any, resulting from the modification; and (d) Manager's dated signature. SenLex shall not

perform any modification or addition to the Services with respect to such modification or addition until SenLex obtains a signed Change Order for such modification or addition.

5. Term of Agreement. The term of this Agreement shall commence on the date this Agreement is executed by SenLex and Manager and shall continue in effect until the date ("Termination Date") which is the first to occur of the following: (a) the date on which the Management Contract terminates or expires; or (b) termination date specified in a written notice from Manager to SenLex ("Manager's Termination Notice") terminating this Agreement in accordance with the other provisions of this Agreement.

6. Compensation. SenLex shall be compensated ("SenLex's Compensation") on the basis specified in Exhibit A. The employees furnished by SenLex pursuant to this Agreement shall be employees of SenLex. SenLex shall be solely responsible for payment to individual employees of wages, benefits, and other compensation and withholding of applicable payroll taxes, and the payment of employer's share of taxes, the payment of worker's compensation obligations and all other employer obligations. Manager shall not be responsible for any other expenses, profit or overhead of SenLex and shall have no financial obligation to SenLex or the employees other than the payment to SenLex of the SenLex Compensation. Except as otherwise provided in Exhibit A or any Change Order signed by Manager, SenLex's Compensation shall be paid monthly. If SenLex's Compensation is determined on an hourly basis, then monthly payments shall be based on the number of SenLex hours provided by SenLex for that month, multiplied by the specified hourly rate. SenLex shall provide Manager's accounting personnel with documentation, acceptable to Manager, reflecting the number of SenLex hours or other relevant billing information for any month, which information shall be provided in a manner and at the frequency specified by Manager from time to time. SenLex acknowledges and agrees that SenLex's failure to provide time and billing information in a prompt manner and in the form required by Manager may result in a delay in the payment of SenLex's Compensation and SenLex agrees that Manager shall have no liability or responsibility to SenLex for such delays in payment of SenLex's Compensation. The pay rates set forth in Exhibit A used to calculate the SenLex Compensation for all personnel provided by SenLex will only increase when and as provided in the budgets as approved by Miami Dade County pursuant to the Management Contract.

7. INDEPENDENT SENLEX STATUS. IN PROVIDING THE SERVICES, SENLEX IS ACTING AS AN INDEPENDENT CONTRACTOR AND THIS AGREEMENT IS NOT INTENDED TO, NOR DOES IT, CREATE ANY EMPLOYER-EMPLOYEE RELATIONSHIP BETWEEN MANAGER AND SENLEX OR BETWEEN MANAGER AND THE STAFFING PERSONNEL PROVIDED UNDER THIS AGREEMENT, THIS AGREEMENT SHALL NOT BE CONSTRUED AS CREATING ANY JOINT VENTURE OR PARTNERSHIP BETWEEN MANAGER AND SENLEX.

8. Tax Reporting. SenLex shall be responsible for all applicable federal, state and other taxes related to SenLex's Compensation and Manager shall not withhold or pay any such taxes on behalf of SenLex, including, without limitation, federal, state and other local income taxes and social security. Since SenLex is acting solely as an independent contractor under this Agreement, SenLex shall not be entitled to insurance, incentive pay, or other benefits normally provided by Manager to its employees.

9. MUR Reporting. SenLex acknowledges that Manager will be required under the Management Contract to submit Monthly Utilization Reports ("MURs") to the Miami Dade Aviation Department's Minority Affairs Division reflecting ACDBE revenue (in the form of ACDBE Schedule 6) commencing 30 days after Manager takes beneficial occupancy of the Hotel, and monthly thereafter, on or before the 10th day of every month during the term of the Management Contract. SenLex agrees to provide Manager the reporting information in the form of ACDBE Schedule 6 prior to the 5th day of every month so that Manager can in turn submit the required MURs in a timely manner.

10. 49 CFR Part 23 Requirements. SenLex acknowledges that the Management Contract is subject to the US Department of Transportation's Regulations 49 CFR Part 23, and that this Agreement shall also be subject to such regulations, and any subcontracts or other agreements which SenLex enters into in furtherance of its obligations under this Agreement shall also be subject to such regulations. Accordingly, the Parties agree that the following statements are incorporated into this Agreement, and SenLex further agrees to incorporate such statements in any subcontracts or other agreements which SenLex enters into in furtherance of its obligations under this Agreement:

"This agreement is subject to the requirements of the US Department of Transportation's Regulations 49 CFR Part 23. The concessionaire or contractor agrees that it will not discriminate against any business owner because of the owner's race, color, national origin, or sex in connection with the award or performance of any concession agreement, management contract, or subcontract, purchase or lease agreement, or other agreement covered by 49 CFR Part 23".

"Concessionaire/ Management or contractor agrees to include the above statements in any subsequent concession agreement covered by 49 CFR Part 23, that it enters and cause those businesses to similarly include the statements in further agreements".

11. Default, Cure and Termination. If SenLex does not comply with any provision of this Agreement, Manager may give SenLex notice of non-compliance, and SenLex shall have a period of three (3) days after delivery of such notice within which to cure such noncompliance. If SenLex fails to cure such noncompliance within that three (3) day cure period, then Manager may terminate this Agreement, effective upon the delivery of the termination notice. If Manager has delivered to SenLex notice of noncompliance on three (3) or more occasions within a twelve (12) month period, then Manager may terminate this Agreement immediately upon notice to SenLex and SenLex shall not have any cure period with respect to such third event of noncompliance.

12. Confidentiality. Manager reserves the right to control and approve the method, manner and content of any and all public and private information disseminated by or generated with respect to Manager. During the course of SenLex's performance of services for Manager, SenLex will acquire and have access to public and private information, confidential information, proprietary information and trade secrets of Manager including, without limitation, information regarding properties owned or managed by Manager or which Manager intends to acquire or market; development, marketing and disposition techniques, practices, strategies and plans;

owner, lender and financial investor/partner relationships and other matters relating to the project for which SenLex has been engaged by Manager or which are totally unrelated to the Hôtel (collectively, "Company Information"). Any and all such Company Information is disclosed to SenLex on a business need-to-know basis only, and is considered confidential and proprietary by Manager. Furthermore, any and all such Company Information is made known to SenLex in confidence solely by virtue of Manager's engagement of SenLex to perform services for Manager, and may not be available generally to the public. Except as required in the performance by SenLex of its duties for Manager, SenLex shall not at any time during or after the term of SenLex's engagement, directly or indirectly, use, disseminate, disclose or publish any Company Information (including, without limitation, in the course of or in connection with making any presentations or marketing materials regarding SenLex's service capabilities), unless and until such Company Information has become a matter of public knowledge through no fault of SenLex, or unless required by court order to comply with law, or unless in the context of SenLex's defense of an action brought by Manager against SenLex under this Agreement. Without limiting the foregoing, Manager will manage all media and press relation services regarding the Hotel. Manager must approve, in writing, all materials and Company Information as well as the manner of presentation of any such materials and Company Information relating to or mentioning Manager or the Hotel including, without limitation, all news releases, articles, press announcements, media interviews and conversations with any media representatives. SenLex acknowledges and understands that SenLex's unauthorized disclosure of any Company Information would be extremely prejudicial to Manager. This prohibition of disclosure of Company Information shall survive the termination of this Agreement. Any breach by SenLex of any provisions of this Section shall entitle Manager to terminate this Agreement and, without prejudice to any rights and remedies as may be available to Manager at law or in equity by reason of such breach, Manager shall be entitled to equitable relief including injunction and Manager shall be entitled to have and recover from SenLex Manager's reasonable attorneys' fees and costs in connection with any action in which a court of competent jurisdiction determines that SenLex breached any provisions of this paragraph. SenLex hereby agrees to indemnify, defend and hold Manager and its affiliates, partners, employees and agents harmless from any and all loss, damage or liability, which results from or arises in connection with SenLex's intentional breach of its obligations under this Section.

13. Prohibited Activities. Neither SenLex nor its Affiliates, nor any partner, director, employee, or agent of SenLex or its Affiliates, as applicable, nor any sub-contractor of SenLex or any partner, director, employee or agent of such sub-contractor shall, without specific written authorization of Manager:

(a) Commissions. Give or receive any commission, fee, rebate, gift or entertainment of significant cost or value to any person or entity in connection with or as a result of SenLex's Services provided hereunder;

(b) Business Dealings with Affiliates. Enter into any business arrangement with any partner, employee or agent of Manager, or any affiliate of same other than as a representative of Manager or such affiliate in accordance with this Agreement and with the prior written approval of Manager;

~~(c) Gratuities. Make any payment or give anything else of value, to any government official, including any officer or employee of any government, department, agency or instrumentality, to influence any decision, or to gain any other advantage for Manager or SenLex; or~~

(d) Conflict of Interest. Engage in any employment or enter into any contract or agreement which conflicts with SenLex's obligations under this Agreement.

SenLex agrees to notify Manager immediately of any violation of this Section. In the event of a violation of Subsection (a) above, SenLex shall pay to Manager any and all amounts received by SenLex or any other individual or entity described above in violation of Subsection (a), however, such payment shall not limit, or operate as a waiver of, any other legal or equitable rights which Manager may have against SenLex at law or under this Agreement. It is further agreed that SenLex shall indemnify, defend and hold Manager and its affiliates, employees, partners, and agents harmless against any and all loss, liability, damage, expense arising out of, or relating to any breach of this Section. If Manager terminates this Agreement due to the breach of this Section, SenLex agrees that SenLex shall not be paid SenLex's Compensation for Services performed prior to the Termination Date, or receive reimbursement for any Reimbursable Expenses incurred prior to the Termination Date.

14. Indemnification. To the fullest extent permitted by law, SenLex shall indemnify, defend (with counsel reasonably satisfactory to Manager), protect and hold harmless Manager, all subsidiary or affiliated companies of Manager and all of such parties' representatives, partners, stockholders, designees, officers, directors, agents, and employees and their respective heirs, executors, administrators, successors, and assigns (collectively, the "Manager Parties"), all other persons or entities designated as additional insureds under SenLex's policies in Section 15 below, shall be collectively referred to as the "Indemnified Parties") from any and all losses, costs, expenses, including actual attorney's fees, expert witness and other professionals' fees, liabilities, claims, court costs, demands, debts, causes of action, fines, judgments and penalties (collectively, "Liability") which may arise from or relate to the acts, errors and/or omissions of SenLex, or its agents, employees, subcontractors, anyone employed directly or indirectly by any of them or for whose acts they may be liable; such Liability to include but not limited to the following: (a) death or injury to people or damage or injury to property; (b) any and all liens, stop notices and charges or any type, nature, kind or description which may at any time be filed or claimed against the site of the Hotel or any portion thereof, or against the Manager; (c) any claims under workers' compensation acts and other employee benefit acts with respect to SenLex's employees or its subcontractors' or contractors' employees arising out of the Services; (d) SenLex's negligent or willful failure to fulfill its obligations under the Agreement in strict accordance with its terms, including SenLex's negligent or willful breach of any representations or covenants given in this Agreement or elsewhere by SenLex; or (e) violation of any local, state or federal law, regulation or code by SenLex or by any of SenLex's employees, agents, contractors, subcontractors or suppliers. SenLex shall not be obligated to indemnify the Indemnified Parties to the extent such Liability is determined by a court of competent jurisdiction to have been caused by the gross negligence or willful misconduct of the Party to be indemnified. Payment to SenLex by any Indemnified Party shall not be a condition precedent to enforcing such party's rights to indemnification. The indemnity and defense obligation set forth in this Section shall survive the expiration or termination of this Agreement.

15. Insurance. Without limiting SenLex's indemnity of Manager, as provided above, SenLex shall maintain the following insurance during the term of this Agreement.

(a) Worker's Compensation. Worker's Compensation and Employer's Liability insurance as prescribed by applicable law. Employer's Liability of \$1,000,000 each Accident. \$1,000,000 Disease – each employee, and \$1,000,000 Disease Policy.

(b) General Liability. Comprehensive or Commercial General Liability Insurance (bodily injury and property damage) on an occurrence basis, with contractual liability insurance to cover liability assumed by SenLex under this Contract. The limits of liability of such insurance shall not be less than \$1,000,000 each occurrence; \$2,000,000 General Aggregate; \$1,000,000 Products & Completed Operations Aggregate; and \$1,000,000 Personal & Advertising Injury.

(c) Automobile Liability. Automobile Bodily Injury and Property Damage Liability Insurance, covering owned, non-owned and hired automobiles, the limits of which shall be not less than \$1,000,000 per person; \$1,000,000 per occurrence for Bodily Injury and \$1,000,000 per occurrence for Property Damage; or \$1,000,000 per occurrence Combined Single Limit.

(d) Errors and Omissions. Professional errors and omissions insurance of not less than \$1,000,000 in the aggregate for all claims during any single policy year. Errors and omissions coverage shall remain in full force and effect from the commencement of this Agreement until two (2) years following the Termination Date specified in Section 5.

The above insurance shall provide that Manager will receive thirty (30) days written notice prior to cancellation or material change of the insurance. The insurance specified in item (a) shall contain a waiver of subrogation against Manager. The insurance specified in items (b) and (c) shall name Manager as an additional insured with respect to services performed under this Agreement and against another, and provide that such insurance is primary with respect to Manager and not contributory. The insurance specified in items (a), (b) and (c) shall be written by Insurance Companies, which have an A.M. Best's rating of "A" MINUS (A-) and FSC of "VIII" or better. SenLex shall, before commencing work, provide Manager with certificates or other documentary evidence of the above insurance, satisfactory to Manager. SENLEX WILL NOT COMMENCE WORK UNDER THIS AGREEMENT UNTIL MANAGER IS PROVIDED WITH THE REQUISITE CERTIFICATE OF INSURANCE. IF WORK IS COMMENCED PRIOR TO THE TIME MANAGER IS PROVIDED A SATISFACTORY CERTIFICATE OF INSURANCE; NO PAYMENT OF SENLEX'S COMPENSATION OR REIMBURSABLE EXPENSES WILL BE MADE UNTIL SUCH CERTIFICATE IS PROVIDED.

16. Personal Obligations. SenLex agrees that the nature of the Services and SenLex's obligations hereunder are personal, and that SenLex may, therefore, not assign or delegate its obligations hereunder without the written approval of Manager, which approval Manager may withhold in its absolute discretion. Manager shall be entitled to delegate its obligations

hereunder and assign the benefit of this Agreement to its partners, affiliates or to any other individual or entity acquiring substantially all of the assets of Manager.

17. Maintenance of Records. SenLex shall maintain adequate accounting and other records related to the Services, and shall retain those records for a period of at least twenty-four (24) months. Manager may audit any and all such records of SenLex and its sub-contractors upon reasonable request.

18. Compliance with Law. SenLex agrees to comply with all applicable federal, state and local laws, rules, regulations or orders, including, without limitation, regulations or laws regarding nondiscrimination and equal employment opportunity, affirmative action for handicapped workers, veterans and disabled veterans.

19. Notices. Any notice, demand or statement required or designated to be given either by personal delivery, by telecommunicated facsimile, or by depositing such notice in the United States mail, certified, with return receipt requested, postage prepaid and addressed as follows:

SENLEX: SenLex Environmental LLC
Attention: _____
9100 S. Dadeland Boulevard, Suite 1500
Miami, FL 33156
Telephone: () _____
FAX No: () _____

MANAGER: Driftwood Hospitality Management II, LLC
Attention: Carlos Rodriguez
2100 Ponce de Leon Boulevard, Suite 1000,
Coral Gables, FL 33134
Telephone: () _____
FAX No: () _____

Either Party may, by written notice to the other, designate a different address, which shall be substituted for the one specified above. Each notice, document or other communication required or permitted under this Agreement shall be deemed delivered (a) on the date delivered if by personal delivery, (b) on the date of transmission with confirmed answer back if by facsimile telecommunication, and (c) if sent by certified mail, two (2) business days following the deposit of such notice in the United States mail in the manner specified above.

20. Severability. If any provision of this Agreement is determined to be invalid or otherwise ineffective, the remaining provisions of this Agreement shall remain in full force and effect.

21. Attorneys' Fees. The prevailing party in any action or arbitration proceeding to enforce the provisions of this Agreement shall be entitled to an additional reasonable amount as attorneys' fees, including, without limitation, attorneys' fees on appeal, whether or not the action proceeds to judgment, and whether or not the successful party is designated plaintiff or defendant in the action, together with all court, arbitration, deposition and transcript costs.

22. Waiver of Breach. Waiver by either Party of any breach by the other Party of any provision of this Agreement shall not be deemed a waiver of any other or subsequent breach, nor excuse any other breach of this Agreement by either Party.

23. Time References. Any reference in this Agreement to time for the performance of obligations or to elapsed time shall mean consecutive calendar days, months or years, as applicable, unless otherwise expressly indicated herein. Time is of the essence of this Agreement.

24. Limitation on Liability.

(a) Of Manager. The obligations of Manager under this Agreement do not constitute personal obligations of the individual partners, directors, officers, members or shareholders of Manager or Manager's constituent members or partners and SenLex agrees that any liability of Manager shall be limited to Manager's interest in the Hotel or Management Contract and the proceeds of any insurance which may be carried by Manager.

(b) Of SenLex. The obligations of SenLex under this Agreement do not constitute personal obligations of the individual partners, directors, officers, members or shareholders of SenLex or SenLex's constituent members or partners and Manager agrees that any liability of SenLex shall be limited to (a) the amount of fees actually paid to SenLex for work performed under this Agreement and (b) the proceeds of any insurance which may be carried by SenLex.

25. SenLex Authority. SenLex represents and warrants to Manager that (A) SenLex is duly formed and in good standing under the laws of Florida as a limited liability company and has all power and authority to execute and enter into this Agreement; (B) SenLex has all licenses and permits necessary to conduct the Services; (C) there is no administrative proceeding or litigation pending or threatened against SenLex; and (D) SenLex constitutes a minority owned business as contemplated under the RFP.

26. Entire Agreement; Miscellaneous. This Agreement (including each Change Order executed by the Parties) constitutes the entire Agreement between the Parties and shall supersede all other oral or written agreements between the Parties, respecting the subject matter of this Agreement. This Agreement may only be modified or amended by written instrument executed by both Parties. This Agreement shall be governed by the laws of the State of Florida and shall be construed as if it were prepared jointly by the Parties.

[SIGNATURES OF THE PARTIES COMMENCE ON THE FOLLOWING PAGE]

MANAGER

Driftwood Hospitality Management II, LLC,
a Florida limited liability company

By: _____

Name: _____

Its: _____

SENLEX

SenLex Environmental LLC, a Florida
limited liability company

By: _____

Name: _____

Its: _____

Enclosure 2



"Delivering Excellence Every Day"

**MIAMI-DADE AVIATION DEPARTMENT
Minority Affairs Division**

2003 MAR 14 AM 9:57

ACDBE UTILIZATION FORM

[The ACDBE Utilization Form, Schedule of Participation and Letter of Intent are required as part of the solicitation documents.]

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space).

The bidder/offeror is committed to a minimum of 12 % ACDBE utilization in this Contract.

The bidder/offeror (if unable to meet the ACDBE goal of _____ %) is committed to a minimum of _____ % ACDBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: NEF & JM ASSOCIATES INCORPORATED
D/B/A. EFM HOSPITALITY SOLUTIONS

State Registration No. _____

By: NIKOLAS DISTWICK-FIELD

Date: 3/13/2013

(Print Name)
[Signature]
(Signature)

Title: PRESIDENT

**LETTER OF INTENT
AIRPORT CONCESSION DISADVANTAGED BUSINESS
ENTERPRISE PARTICIPATION**

ACDBE Firm: AWA SECURITY INC.

Project: MIA MIAMI INTERNATIONAL AIRPORT HOTEL

Contract Number: MDAD-08-12 Total % of Bidder/Proposal: to be determined

The undersigned holds ACDBD Certificate No. 11418 expiring on 03/07/2013

Please Provide ACDBE Certification letter or proof of certification from the Florida Unified Certification Program (FLUCP) or the Miami-Dade County, Small Business Development (SBD), a Division of the Department of Sustainability, Planning and Economic Enhancement (SPEED).

The undersigned intends to perform the following work in connection with the above Bid/Proposal (Describe): SECURITY SERVICES

Description of Services	% of Bid/Proposal
<u>SECURITY SERVICES INCL. INVESTIGATIVE SERVICES FOR THE HOTEL - EXACT SCOPE TO BE DETERMINED AS WELL AS VALUE OF PRICE PACKAGE AS SOON AS CONTRACT IS DEFINED AND AWARDED.</u>	<u>8% to 10% of Operating Expense less credit card commissions, Travel Agent Commissions, F.I.R.E. Reserve Parking expense, Bed Bot expense and utilities.</u>

Total% 8% to 10%

Print Name Alexandro Govea Title President

ACDBE Firm AWA SECURITY INC.

Signature of ACDBE [Signature] Date 3/13/2013

SCHEDULE OF PARTICIPATION BY ACDBE FIRMS

Listed below is the information pertaining to "certified" ACDBE firms who will be participating in this contract.

NAME OF ACDBE FIRMS	DESCRIPTION OF SERVICES	% OF BID/PROPOSAL
ANA SECURITY INC.	SECURITY SERVICES	8 1/2 TO 10%
NATIONAL CLEANING CONTRACTORS USA INC.	CLEANING/MAINTENANCE SERVICES	4% TO 6%
OTHER TO BE DETERMINED		
SUBJECT TO FURTHER REVIEW: VENDING & ICE MACHINE SERVICES	AVIATION SERVICES	
	FOOD, BEVERAGE & OTHER SUPPLIES	
	IF AVAILABLE	

I, the undersigned, being duly authorized by the Bidder/Proposer, certify that the representation contained in this schedule of participation are to the best of my knowledge true and accurate.

N. Eastwick-Fried

Signature of Proposer

NIKOLAS EASTWICK-FRIED

Print Name

President

Title

3/22/13

Date

HEFFMAN ASSOCIATES INCORPORATED

Company Name

D-6A GPM HOSPITALITY SOLUTIONS

ACDBE SCHEDULE 2

Page 9

**LETTER OF INTENT
AIRPORT CONCESSION DISADVANTAGED BUSINESS
ENTERPRISE PARTICIPATION**

ACDBE Firm: National Cleaning Contractors USA Inc.

Project: MIAMI INTERNATIONAL AIRPORT HOTEL HIA

Contract Number: MOAD-08-12 Total % of Bidder/Proposal: to be determined

The undersigned holds ACDBD Certificate No. 8520 expiring on, ~~02/07/13~~ 04/05/13

Please Provide ACDBE Certification letter or proof of certification from the Florida Unified Certification Program (FLUCP) or the Miami-Dade County, Small Business Development (SBD), a Division of the Department of Sustainability, Planning and Economic Enhancement (SPEED).

The undersigned intends to perform the following work in connection with the above Bid/Proposal (Describe): CONTRACT CLEANING / JANITORIAL SERVICES

Description of Services	% of Bid/Proposal
<u>CONTRACT CLEANING AND/OR JANITORIAL SERVICES ACCORDING TO A FINAL SCOPE OF WORK TO BE DEFINED FOLLOWING CONTRACT AWARD AND ACCESS TO PROPERTY</u>	<u>4% to 6%</u> <u>4% to 6% of:</u> <u>Operating expense:</u> <u>less utilities, Bad Debt expense, Credit Card Commission, Parking Expense, Travel Agent Commission and F&E Reserve.</u>
	Total% <u>4% to 6%</u>

Print Name Guillermo Alfonso Title President

ACDBE Firm National Cleaning Contractors USA Inc.

Signature of ACDBE [Signature] Date 3/13/2013

BizNet Profile: AWA SECURITY INC

Name: AWA SECURITY INC
Business Description: SECURITY
Street: 7901 WEST 25TH AVENUE BAY 2
City: HIALEAH State: FL Zip: 33016-0000
County: DADE District:
Phone: (305) 822-4774 Fax: (305) 822-4878
E-mail: agutierrez@awasecurity.com
Work Location:
County:
District:
Contact: Alejandro Gutierrez
UCP Cert. DBE State Cert.: OBE UCP Certifying Member: MDC
First SC: First NAICS: 561612
2nd SC: 3rd SC: 4th SC: 5th SC: 6th SC: 7th SC: 8th SC: 9th SC: 10th SC:
2nd NAICS: 485999 3rd NAICS: 61171 4th NAICS: 5th NAICS: 6th NAICS: 7th NAICS: 8th NAICS: 9th NAICS: 10th NAICS:
ACDBE: Yes

NOTE:

OBE stands for Other Business Enterprise indicating that the firm is not certified.

[Return to the Main Menu](#)

[Back to Search Results](#)

Florida Department of Transportation 2008.

BizNet Profile: NATIONAL CLEANING CONTRACTORS USA INC

Name: NATIONAL CLEANING CONTRACTORS USA INC
Business Description: JANITORIAL SERVICES
Street: 14482 SW 38TH LANE
City: MIAMI State: FL Zip: 331757830
County: DADE District: DISTRICT SIX
Phone: (305) 263-9265 Fax: (305) 485-9293
E-mail: alfo9763@bellsouth.net
Work Location:
County:
District:
Contact: GUILLERMO ALFONSO
UCP Cert. DBE State Cert.: OBE UCP Certifying Member: MDC
First SC: 988 First NAICS: 56172
2nd SC: 3rd SC: 4th SC: 5th SC: 6th SC: 7th SC: 8th SC: 9th SC: 10th SC:
2nd NAICS: 3rd NAICS: 4th NAICS: 5th NAICS: 6th NAICS: 7th NAICS: 8th NAICS: 9th NAICS: 10th NAICS:
ACDBE: No

NOTE:

OBE stands for Other Business Enterprise indicating that the firm is not certified.

[Return to the Main Menu](#)

[Back to Search Results](#)

Florida Department of Transportation 2008.

Enclosure 3



"Delivering Excellence Every Day"

**MIAMI-DADE AVIATION DEPARTMENT
Minority Affairs Division**

ACDBE UTILIZATION FORM

[The ACDBE Utilization Form, Schedule of Participation and Letter of Intent are required as part of the solicitation documents.]

The undersigned bidder/offeror has satisfied the requirements of the bid specification in the following manner (please check the appropriate space).

The bidder/offeror is committed to a minimum of 1 % ACDBE utilization in this Contract.

The bidder/offeror (if unable to meet the ACDBE goal of _____ %) is committed to a minimum of _____ % ACDBE utilization on this contract and submits documentation demonstrating good faith efforts.

Name of bidder/offeror's firm: _____

State Registration No. _____

By: JARED GAUBERT
(Print Name)
JGaubert
(Signature)

Date: 2-23-13
Title: Managing Principal

ACDBE SCHEDULE 1

8

Revised: May 15, 2012

SCHEDULE OF PARTICIPATION BY ACDBE FIRMS

Listed below is the information pertaining to "certified" ACDBE firms who will be participating in this contract.

NAME OF ACDBE FIRMS	DESCRIPTION OF SERVICES	% OF BID/PROPOSAL
Excellent Fruit & Produce	delivery of fish, fruits & vegetables	1/4 \$1.00 per year

I certify that the representation contained in this Schedule of Participations are to the best of my knowledge true and accurate.

Jared Galbut
Signature of Proposer

JARED GALBUT
Print Name

1-27-13
Date

MANAGING DIRECTOR
Title
MORIN HOTELS
Company Name

**LETTER OF INTENT
AIRPORT CONCESSION DISADVANTAGED BUSINESS
ENTERPRISE PARTICIPATION**

ACDBE Firm: EXCELLENT FRUIT & PRODUCE, INC.

Project: _____

Contract Number: _____ Total % of Bid/Proposal: _____

The undersigned holds ACDBD Certificate No. 13018 expiring on 05/22 20 13.

✓ Please Provide ACDBE Certification letter or proof of certification from the Florida Unified Certification Program (FLUCP) or the Miami-Dade County, Small Business Development (SBD), a Division of the Department of Sustainability, Planning and Economic Enhancement (SPEED).

The undersigned intends to perform the following work in connection with the above Bid/Proposal (Describe): _____

Description of Services	% of Bid/Proposal
<u>delivery of fresh fruits & vegetables</u>	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Print Name FELIPE GOMEZ Title Director, Sales and operations Total% _____

ACDBE Firm EXCELLENT FRUIT & PRODUCE

Signature of ACDBE [Signature] Date 02/21/13



miamidade.gov

Sustainability, Planning and Economic Enhancement Department
111 NW 1 Street, 19th Floor
Miami, Florida 33128
T 305-375-3111 F 305-375-3180

CERT. NO: 13018
Approval Date: 05/22/2012 - DBE
Approval Date: 05/22/2012 - ACDBE

May 22, 2012

Mr. Enrique Torres
EXCELLENT FRUIT & PRODUCE, INC.
P O Box 420216
Miami, FL 33242-0000

ANNUAL ANNIVERSARY: 05/22/2013

Dear Mr. Torres:

Small Business Development (SBD), a division of Sustainability, Planning and Economic Enhancement Department (SPEED) has completed the review of your application and the attachments submitted for certification. Your firm is officially certified as a Airport Concessions Disadvantaged Busn Ent (ACDBE) and Disadvantaged Business Enterprise (DBE) in accordance with the State of Florida Unified Certification Program (UCP) approved by the U.S. Department of Transportation (FDOT) in the categories listed below. This certification affords your company the opportunity to participate in contracts throughout the State of Florida with DBE measures.

Your DBE certification requires you to complete a Continuing Eligibility affidavit annually. To ensure timely processing the Continuing Eligibility affidavit is accessible at http://www.miamidade.gov/sba/library/continuing_eligibility_package.pdf. A hard copy is available upon request and may be sent to you via mail or facsimile. Failure to complete and submit the required affidavit with the required supporting documents on or before your anniversary date may result in the removal of your company from the Florida DBE Unified Certification Program.


If any changes occur within your company during the certified period (such as ownership, address, telephone number, trade category, licensing, technical certification, bonding capacity, or if the business ceases to exist) you are required to notify this department within 30 days in writing. It is of critical importance that the current information regarding your company be maintained. All inquiries or changes related to this certification should be directed to Corelee Walkline-Taylor in the Certification Unit.

Should you have questions regarding your firm's certification, Corelee Walkline-Taylor will be pleased to assist you.

We look forward to your participation and success in Miami-Dade County's disadvantaged business enterprise programs.

Thank you for doing business with Miami Dade County.

Sincerely,


Sheri McGriff, Director
Business Opportunity Support Services
Small Business Development Division
Sustainability, Planning and Economic Enhancement Department

CATEGORIES: (Your firm may bid or participate on contracts only under these categories)
FRESH FRUIT AND VEGETABLE WHOLESALERS (DBE, ACDBE)

05/22/2012 11:026

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) EXPERIENCE SHEET

ACDBE NAME EXCELENT FALOUT & PRODUCE

ADDRESS PO BOX 420216
MIAMI, FL 33242

NAME OF CLIENT
COMPANY NAME AND ADDRESS

DESCRIPTION OF SERVICES
PROVIDED TO CLIENT

GROSS
REVENUES

CALENDAR
YEAR

(A) SODOXO Nutrition Services delivery of \$334,000 2012
fresh produce

(B) COBOX cafe delivery of \$87,800 2012
fresh produce

(C) MIAMI-DADDA COUNTY delivery of \$370,000 2012
fresh produce

NOTES:
USE A SEPARATE SHEET FOR EACH DBE COMPANY.
ADDITIONAL PAGES MAY BE ATTACHED AS NECESSARY.

ACDBE SCHEDULE 4

CAO RESPONSIVENESS OPINION

x

MEMORANDUM

TO: Lenora Allen Johnson MDAD
FROM: Daniel Frastai Assistant County Attorney
DATE: 05/08/2013
SUBJECT: Legal Opinion re RFP No. MDAD-08-12
Non-Exclusive Management Agreement for the Operation of the
Hotel MIA

You have asked this office whether the proposal submitted by Menin Hotels, LLC ("Menin") is responsive for failure to provide a Proposal Bond Guaranty as required by subsection 2.8 of the above referenced Request for Proposals ("RFP"). For the reasons set forth below, we conclude that Menin's proposal is not responsive and must be rejected.¹

FACTS

We rely on the information provided in your memo dated April 15, 2013 (attached hereto as Exhibit 1), the language in the RFP and the proposal submitted by Menin.

Page ADV-2 of the Advertisement section of the RFP provides:

PROPOSAL BOND GUARANTY: Proposers submitting a proposal will be required to provide a Proposal Guaranty of \$50,000.00. The Proposal Guaranty must be in the form of a cashier's check or certified check from any national or state bank, made payable to Miami-Dade County, Florida or a Proposal Bond Guaranty prepared form, "Proposal Bond Guaranty," Appendix G, **duly executed by each Proposer as Principal and having a Surety thereon meeting the requirements set forth in the RFP document.** The County will hold proceeds of the proposal guaranty check without interest to the Proposer. **Failure to include the specified Proposal Guaranty shall render the Proposal non-responsive.**

See, RFP, Page ADV-2 (attached as Exhibit 2).

Additionally, Section 2.8 of the RFP (on Page RFP-28) provides:

¹ While your request identifies another potential issue, (Section 2, RFP Submittal process, Sub-section 2.3 (B)(2) Proposal Format), as the issue involving the Proposal Guaranty Bond is dispositive this opinion is limited to that issue only.

“Each Proposal shall be accompanied by a... Proposal Guaranty Bond Form prepared on the firm attaché hereto, Appendix G, duly executed by the Proposer as Principal and having a Surety thereon meeting the requirements set forth....Any Proposal that is not accompanied by the required Proposal Guarantee Deposit, as of the Proposal Due Date, shall be considered non-responsive and ineligible for award.....”

See RFP, Section 2.8 (attached as Exhibit 3).

Menin’s proposal included the Proposal Bond Guaranty form required by the RFP with the name Menin Hotels as Proposer and Principal signed by a managing partner at Menin. See excerpt from Menin Proposal (attached as Exhibit 4). Critically, however, the form provided was missing any information referencing any surety and was not executed by any surety.

DISCUSSION

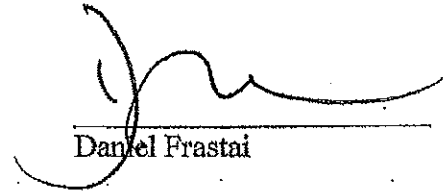
Menin’s proposal is not responsive because the Proposal Bond Guaranty form did not provide a guarantee by a surety as required by the RFP. Even though Menin submitted a form titled Proposal Guaranty Bond Form, it neither identified a surety nor was executed by any entity guaranteeing Menin’s compliance with the requirements of the RFP. As such, it is the equivalent of Menin failing to submit the bond form.

Generally, there is a two part test to determine if a specific noncompliance in a bid constitutes a substantial and thus non-waivable issue: (1) whether the effect of the waiver would be to deprive the County of the assurance that the contract would be entered into, performed and guaranteed according to its specific requirements; and (2) whether it would adversely affect competitive bidding by placing a bidder in a position of advantage over other bidders. See, e.g., *Gladstein v. City of Miami*, 399 So.2d 1005 (Fla. 3d DCA), rev. denied, 407 So.2d 1102 (Fla. 1981).

As the Proposal Bond Guaranty is the County’s “assurance that the contract would be entered into,” Menin’s failure to submit the required bond renders their proposal non-responsive. Menin may not cure this defect by subsequently submitting a Proposal Bond Guaranty. The RFP explicitly required that the Proposal Bond Guaranty be submitted with the proposal and by the due date.

Such a finding is consistent with Comptroller General Opinions finding that “where an invitation for bids requires a bid to be supported by a bid guarantee and noncompliance occurs, the bid shall be rejected.” See, e.g., *In re Castle Floor Covering*, 70 Comp.Gen., B-242718, 91-1 CPD 510 (1991); *In re Hudgins & Company, Inc.*, 56 Comp.Gen. 43, B-187008, 76-2 (1976); 38 Comp.Gen. 532, B-137319 (1959). This is because “the submission of a binding bid guarantee is a material condition of responsiveness with which a bid must comply at the time of bid opening”. *In re Castle Floor Covering*, 70 Comp.Gen., B-242718, 91-1 CPD 510 (1991). See also,

Professional Building Contractors, Inc. v. City of Central Falls Housing Authority, 783 F. Supp. 1558, 1562 (D.R.I. 1992) (deficiencies in "bid guarantees may not be cured after bid opening due to the prejudice that might result to other bidders from the unfair advantage accruing to a bidder who could elect, after bid opening," not to comply with the bid guarantee requirements.). Thus, Menin's proposal is not responsive and may not be cured by submitting a subsequent conforming Proposal Bond Guaranty. As a result Menin's proposal must be rejected.



Daniel Frastai

Memorandum



Date: April 15, 2013

To: Daniel Frastal
Assistant County Attorney
County Attorney's Office

From: Lenora Allen-Johnson
Aviation Senior Procurement Contract Officer

Subject: Legal Opinion Review - Request for Proposals for the Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities
RFP No. MDAD-08-12

The Miami-Dade Aviation Department requires a legal opinion for the above referenced project as follows:

Proposer: Menin Hotels, LLC

Synopsis: (Background as it relates to the issue)

RFP Section	Opinion
Section 2, RFP Submittal Process, Sub-section 2.3 (B)(2) Proposal Format,	A review of the proposal reflects that the instructions for submitting the budget were not followed which included non-reimbursable items in the budget which should have been included in the Management fee, see the attached review for the minimum qualifications.
Section 2, RFP Submittal Process, Sub-section 2.8, Proposal Guaranty Deposit	The referenced section states that the Bond Form must be executed by the Proposer and having a Surety thereon meeting the requirements of Sub-article 13.03 of the Agreement. Based on the instructions, it does not appear that the Bond was submitted correctly in that there was no signature on the form by the Surety, no power of attorney, nor was there a countersignature by a Resident Florida agent of the Surety. Also, see the attached email regarding this subject from Menin.

Please evaluate and advise in order to proceed with the solicitation.

Ex. 1

Your assistance with this matter is greatly appreciated.

C: Ray Diaz
David Murray, Assistant County Attorney
Marie Clark-Vincent
Clerk of Board

Conference Room F, Miami, Florida, for all interested parties and attendance is recommended, but not mandatory. Any changes to the Request for Proposals will be by written addendum.

ADDITIONAL INFORMATION/ADDENDA: Requests for additional information or clarifications must be made in writing and sent via fax to the MDAD's Contracting Officer for the RFP no later than close of business fourteen (14) calendar days prior to the original proposal due date. The request must contain the RFP number and title, Proposer's name, name of Proposer's contact person, address, phone number, and facsimile number.

PROPOSAL BOND GUARANTY: Proposers submitting a proposal will be required to provide a Proposal Guaranty of \$50,000.00. The Proposal Guaranty must be in the form of a cashier's check or certified check from any national or state bank, made payable to Miami-Dade County, Florida or a Proposal Bond Guaranty prepared form, "Proposal Bond Guaranty", Appendix G, duly executed by each Proposer as principal and having a Surety thereon meeting the requirements set forth in the RFP document. The County will hold proceeds of the proposal guaranty check without interest to the Proposer. Failure to include the specified Proposal Guaranty shall render the Proposal non-responsive.

Proceeds of checks submitted, as guaranty, will be returned to all unsuccessful Proposers after execution of any Agreement issued as a result of the RFP. Proposal Bond Guarantees will not be returned to any Proposer(s) but will be discharged as provided therein. The proceeds of the Selected Proposer's guaranty will be returned after the County and the Selected Proposer have executed a Management Agreement.

CONE OF SILENCE: This solicitation is subject to Miami-Dade County's Cone of Silence pursuant to Section 2-11.1(t) of the Miami-Dade County Code, as amended. Please review Miami-Dade County Administrative Order 3-27 for a complete and thorough description of the Cone of Silence.

The Contracting Officer for this RFP is:

Name:	Lenora Allen-Johnson
Title:	Senior Procurement Contract Officer
Name of Agency:	MDAD - Contracts Administration Division
Physical Address:	4200 NW 36 th St. Bldg. 5A, 4 th Floor, Miami, FL 33122
Mailing Address:	P.O. Box 025504, Miami, FL 33102-5504
Telephone:	(305) 876-8065
Facsimile:	(305) 876-8068
Email:	lallen-johnson@miami-airport.com

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE CONTRACT MEASURES:
Voluntary ACDBE Goal

ACDBE REQUIREMENTS:

It is the policy of the Miami Dade Aviation Department (MDAD) that ACDBE's shall have the maximum practical opportunity to participate in the performance of County agreements. As used in the Bid Documents, the term "Airport Concession Disadvantaged Business Enterprises (ACDBE)" means a small business concern, which (a) is at least fifty-one percent (51%) owned by one or more socially and economically disadvantaged individuals, or in the case of any publicly owned business, at least fifty-one percent (51%) of the stock which is owned by one or more socially and economically disadvantaged individuals; and (b) whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it as set forth in 49 CFR Part 23, Code of Federal Regulations.

ACDBE participation is voluntary, but not required for this contract. ACDBE participation can be achieved either through the Proposer being an ACDBE itself, a partnership or joint venture, or subcontracting a percentage of gross revenues.

The Airport Concession Disadvantaged Business Enterprise (ACDBE) Plan must be submitted with the Proposal in accordance with Appendix I, Section II and its supporting documents: Joint Venture Agreement, Sub-Concession Agreement....etc. The Successful Proposer will be required to submit to the

the Ethics Commission. Proposers should reference the actual Code of Silence Provisions for further clarification.

All Proposers will be notified in writing when the Mayor (or designee) makes an award recommendation to the Board of County Commissioners.

The Contracting Officer for this RFP is:

Name: Lenora Allen-Johnson
Title: Aviation Senior Procurement Contract Officer
Name of Agency: MDAD – Contracts Administration Division
Physical Address: 4200 NW 36th St. Bldg. 5A, 4th Floor,
Miami, FL 33122
Mailing Address: P.O. Box 025504, Miami, FL 33102-5504
Telephone: (305) 876-8065
Facsimile: (305) 876-8068
Email: lallen-johnson@miami-airport.com

2.8 PROPOSAL GUARANTY DEPOSIT

Each Proposal shall be accompanied by a Proposal Guarantee Deposit of Fifty Thousand Dollars (\$50,000.00) attached to Appendix A, Questionnaire and Minimum Qualifications Form, which shall be in the form of a cashier's check, treasurers check, irrevocable letter of credit, or bank draft drawn on any state or national bank ONLY, payable to Miami-Dade County, Florida, or the Proposal Guaranty Bond Form prepared on the form attached hereto, Appendix G, duly executed by the Proposer as Principal and having a Surety thereon meeting the requirements set forth in Subarticle 13.03 of the Agreement. No other form of deposit will be accepted.

Proceeds of checks, if submitted as the Proposal Guarantee Deposit, will be held by the County without interest to the Proposer, and such proceeds will be returned to the unsuccessful Proposers after the County and the Successful Proposer have executed the Agreement for the work. Proposal Guarantee Bonds will not be returned to any Proposer.

After award of the Agreement to the Successful Proposer, the Proposal Guarantee Deposit of such Proposer will be held pending receipt of the executed Agreement and evidence of insurance as required by Article 15 of the Agreement. If a Successful Proposer fails to (a) execute the Agreement within seven (7) business days after such documents are presented to the Successful Proposer, or (b) provide evidence of insurance within twenty (20) calendar days of the effective date of the Agreement, or (c) provide a Performance Bond as required by Subarticle 13.01 of the Agreement, or (d) begin operations as required by the Agreement, the Proposal Guarantee Deposit will be forfeited to the

County as liquidated damages to compensate the County for the delay and administrative services resulting from such failures. The County shall also be entitled, but not obligated, to award the Agreement to any other Proposer as determined to be in the best interest of the County.

Any Proposal that is not accompanied by the required Proposal Guarantee Deposit, as of the Proposal Due Date, shall be considered non-responsive and ineligible for award.

2.9 MODIFIED PROPOSALS

Any modification to the Proposal by the Proposer shall be submitted to the Clerk of the Board prior to the Proposal Due Date. The Proposer shall submit, in a sealed envelope, the modified Proposal forms and a letter, on company letterhead and signed by a representative of the Proposer, stating that the modified Proposal supersedes the previously submitted Proposal. No modifications of a Proposal shall be accepted after the Proposal Due Date. The Evaluation/Selection Committee will only consider the latest version of the Proposal.

2.10 WITHDRAWAL OF PROPOSAL

A Proposal shall be irrevocable until contract award, unless the Proposal is withdrawn. A Proposal may only be withdrawn in writing and must be addressed to the Clerk of the Board prior to the Proposal Due Date.

2.11 LATE PROPOSALS, LATE MODIFICATIONS AND LATE WITHDRAWALS

Proposals received after the Proposal Due Date are late and will not be opened or considered. Modifications received after the Proposal Due Date are also late and will not be considered. Proposals will be opened promptly on the Proposal Due Date. The responsibility for submitting a Proposal to the Clerk of the Board on or before the Proposal Due Date is solely and strictly the responsibility of the Proposer. Withdrawal of Proposals after the Proposal Due Date and before award shall entitle the County to invoke the Proposal Guaranty. The County is not responsible for delays caused by any form of delivery utilized by the Proposer, including U.S. mail, package, courier service, or by any other occurrence.

2.12 RFP POSTPONEMENT/REJECTION/CANCELLATION

MDAD may, at its sole and absolute discretion, reject any and all, or parts of any and all Proposals; re-advertise this RFP; postpone or cancel, at any time, this RFP process; or waive any irregularities in this RFP or in the Proposals received as a result of this RFP.

REQUEST FOR PROPOSALS FOR
NON-EXCLUSIVE MANAGEMENT
AGREEMENT FOR THE
OPERATION OF THE HOTEL MIA,
RELATED AMENITIES AND FOOD
AND BEVERAGE FACILITIES
RFP NO. MDAD-08-12

APPENDIX "G"
PROPOSAL GUARANTY BOND FORM

PROPOSAL GUARANTY BOND FORM

State of Florida, County of Dade We,
MENIN HOTELS, LLC as Proposers and Principal
and _____ as Surety, are

held and firmly bound unto Miami-Dade County, Florida hereinafter called the County, in the Penal sum of Fifty-thousand Dollars (\$50,000.00) lawful money of the United States, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents. The Principal has submitted the attached Proposal, dated 2/26, 2013, for a Request for Proposal, RFP No. MDAD-08-12. The Principal shall at time of the opening of its Proposal furnish all documents and information required by the RFP Documents, and shall within the time stipulated in the RFP and Agreement, execute and deliver to the County, all documents required. Having met these obligations shall render this Bond void and of no effect or in the event of the failure to comply with the RFP Documents, or in the event of failure to enter into such Management Agreement and give such Bonds and evidence of insurance within the time specified, the Surety shall pay the County the sum above-stated.

IN WITNESS WHEREOF, the above bound parties have caused this Proposal Bond to be executed by their appropriate officials as of the 18th day of FEBRUARY, 2013

WITNESSES
[Signature]

[Signature]

PRINCIPAL (If Corporation) L.L.C.

MENIN HOTELS, LLC
(Corporate Name)

X Jared Galbut
President **MANAGING PRINCIPAL**

Print Name: JARED GALBUT

Attest: N/A
Secretary

(CORPORATE SEAL)

PRINCIPAL (If Partnership or Corporate Joint Venture)

(A) PARTNERSHIP OR CORPORATE JOINT VENTURER:

(A) PARTNERSHIP OR CORPORATE JOINT VENTURER:

Name of Joint Venture

Name of Joint Venture

By: _____
President

By: _____
President

Print Name: _____

Print Name _____

Attest: _____
Secretary

Attest: _____
Secretary

(CORPORATE SEAL)

(CORPORATE SEAL)

COUNTERSIGNED BY RESIDENT FLORIDA AGENT OF SURETY:

SURETY:

(Copy of Agent's current Identification Card as issued by State of Florida Insurance Commissioner must be attached)

By: _____
Attorney-in-Fact

(CORPORATE SEAL)

(Power of Attorney must be attached)

INVENTORY OF EACH PROPOSER

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 1 OF 12</p>
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 11770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: crodriguez@dhamhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSER'S QUALIFICATIONS</p>	<p align="center">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>
<p>a) 1) Proposers should demonstrate five (5) consecutive years of experience operating a full service hotel with good ratings within the last ten (10) years in each of the following capabilities: managing, operating and maintaining a minimum of 250 rooms at any one single location.</p>	<p align="center">Yes</p>
<p>2) Proposer should provide evidence for the five (5) qualifying years (referenced above) that they have generated at least an</p>	<p align="center">Yes</p>
<p>b) Must be authorized to do business in the State of Florida (if applicable)</p>	<p align="center">Yes</p>
<p align="center">TWELVE MONTH FINANCIAL BUDGET</p>	<p align="center">See Section 8</p>
<p align="center">TECHNICAL PROPOSAL</p>	<p align="center">See Section 8</p>
<p>a) Table of Contents</p> <p>The table of contents should outline, in sequential order, the major areas of the Technical Proposal. All pages of the Technical Proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the table of contents</p>	<p align="center">Yes</p>
<p align="center">Front of Proposal</p>	<p align="center">See Section 56, page 44</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 2 OF 12</p>	
<p>NAME OF PROPOSER: Driftwood Hospitality Management, LLC ADDRESS: 11770 U.S. Highway One, Ste 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: crodiguez@dnhmhotels.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>b) Questionnaire and Minimum Qualification Requirements Form (Appendix A) is to be completed and signed by an authorized officer of the Proposer submitting the Proposal</p>	<p align="center">Yes</p>	<p>See Section 8; address in proposal does not match the address filed with the State; with their follow-up they stated that the address with the State was the correct address.</p>
<p>c) Executive Summary The executive summary shall briefly and concisely describe the basic services offered by the Proposer; the Proposer's ability to perform the work requested in this RFP; the background, experience and qualifications of the Proposer and the Subcontractors / Subconsultants; the qualifications of the Proposer's personnel to be assigned to this project; and, any other information called for by this RFP, which the Proposer deems relevant. The executive summary should be no longer than four (4) pages.</p>	<p align="center">Yes</p>	<p>See Section 2</p>
<p>d) Proof of Minimum Qualifications The Proposer should verify its ability to satisfy all of the minimum qualifications (see Appendix A "Questionnaire and Minimum Qualifications Form"). Proposers who are less qualified, than is called for in this solicitation, or who are relying on qualifications of separate corporate entities, may receive less, or no points, from the Selection Committee, if such lack of experience would or could suggest that there is an inability to provide the services required in the manner contemplated by this solicitation.</p>	<p align="center">Yes</p>	<p>See Sections 8 and 5a</p>
<p>e) Technical Information: 1) The Proposer shall describe its specific policies, plans, procedures or techniques to be used in providing services. (See Section 1.2, "Scope of</p>	<p align="center">Yes</p>	<p>See Section 4a</p>

REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12	CONTRACT MEASURES: Voluntary ACDBE Goal
INVENTORY OF SUBMITTED PROPOSALS	RFP DUE DATE: PAGE 3 OF 12
NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 11770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33468 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9988/(305) 500-9997 E-MAIL ADDRESS: crodriiguez@dihmhotels.com	
PROPOSAL DOCUMENTS	NOTES
WAS THE INFORMATION/ DOCUMENTS PROVIDED?	
<p>Services'). The Proposer shall also describe its approach to project organization and management, and the responsibilities of Proposer's management and personnel that will perform work pursuant to this project.</p> <p>2) The Proposer shall provide an organizational chart including titles for all personnel to be assigned to this project. The chart must clearly identify the Proposer's key personnel. Key personnel include all partners, managers, senior partners, and other professional staff that will perform services on this project.</p> <p>3) The Proposer shall describe their key personnel's experience, qualifications, functions to be performed and other vital information including relevant experience on previous similar projects. The Proposer shall also provide their resumes with job descriptions and other detailed qualification information.</p> <p>Note: After Proposal submission, the Proposer has a continuing obligation to advise the Department of any changes, intended or otherwise, to the key personnel identified in its Proposal.</p> <p>f) Proposer's Experience, Past Performance, Litigation, Convictions, Indictments, or Investigations, Affiliations, and References:</p> <p>1) <u>Experience:</u> The Proposer shall provide a history of its background and experience in managing, operating, and maintaining full service hotels. The Proposer shall state the number of years that it has been in existence, the current number of employees, and the primary markets served. This section of the Proposal should include the following:</p>	<p>See Section 4b</p> <p>See Section 4c</p>
<p>Yes</p>	<p>Yes</p>
<p>Yes</p>	<p>Yes</p>
<p>Yes</p>	<p>See Section 5a</p>
<p>Yes</p>	<p>See Section 5a</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 4 OF 12</p>	
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 1170 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: c.rodriguez@dihmhotels.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>i. Names and addresses of hotel programs developed and managed or operated by the Proposer for the five qualifying years.</p> <p>ii. Per facility listing of all locations for Proposer's experience. The facility name, location, square footage, type of operation, annual gross revenues, airport or property owner rent, percentage rent, required customer service efforts, or any other details of the rent structure as well should be included.</p> <p>iii. A detailed corporate history of hotel and hospitality experience.</p> <p>iv. Other information that supports the Proposer's experience as it pertains to the RFP.</p>	<p align="center">Yes</p>	<p>See Sections 5b, and c for Marketing; BSA Detail Results audit of rooms marked confidential (Section 5); See Section 5a for dollar amount and hospitality; 5d monitoring; and Section 5e for the twelve month Budget. After sending follow-up email; Proposer was okay with releasing confidential information.</p>
<p>2) Specific Project Experience: The Proposer shall provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past five (5) years. For each comparable contract, the Proposer should identify: (i) the client, (ii) a description of the work performed, (iii) the total dollar value of the contract, (iv) the contract duration, (v) the client contact person and telephone number for reference, (vi) a statement or notation of whether Proposer(s) is/was the primary consultant / contractor or subcontractor / subconsultant, and (vii) the results of the project. The Proposer shall also list and describe any projects performed for government clients or similar sized private entities, and any work performed for the County.</p>		

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 5 OF 12</p>	
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 11770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: credniguez@dhh-hotels.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>i. Provide Marketing Program.</p> <p>1. Provide a description of the proposed plan, demonstrating an understanding of the market segments identified and targeted for this property.</p> <p>2. Demonstrate an understanding of the existing airport market and competitive market set and conditions that support the plan.</p> <p>ii. Provide examples of marketing programs undertaken to promote sales and customer service including samples of advertisements, promotional materials, fliers, coupons, etc.</p> <p>iii. Provide information on quality monitoring programs that the Proposer has implemented at other venues. This shall include both descriptive information and sample evaluation forms from quality audits, performance standard evaluations, or other similar programs. Provide a Twelve Month Budget consolidated and by facility for the Hotel and related amenities as instructed in Exhibit J of the Agreement.</p> <p>Proposers should provide a realistic estimate of the expected annual Gross Revenues and Expenses to be derived from proposed operations.</p>		
<p>3) Additional Experience: The Proposer shall describe any other experiences or information related to the Services described in Section 1.2, Scope of</p>	<p align="center">Yes</p>	<p align="center">See Section 5f</p>

REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12	CONTRACT MEASURES: Voluntary ACDBE Goal	
INVENTORY OF SUBMITTED PROPOSALS	RFP DUE DATE: PAGE 6 OF 12	
NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 11770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: erodriguez@dhhmhotels.com		
PROPOSAL DOCUMENTS	WAS THE INFORMATION/ DOCUMENTS PROVIDED?	NOTES
Services. (e.g. software/hardware information, training, etc.)		
4) Past Performance: List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Code, which requires that "a Bidder's or Proposer's past performance on County contracts be considered in the selection of consultants and contractors for future County contracts." The Proposer must list and describe all work performed or being performed for Miami-Dade County, include the name of the County department which administers or administered the contract(s); the contact person(s) on the contract(s) and their contact telephone number(s); the dates covering the term of the contract(s); the dollar value of the contract(s), whether or not the County contract was audited by the County and the results therefrom, and the name, address, telephone number, responsibilities and employment status of the management team including, but not limited, to: the General Manager, Facilities Manager, Sales Director and Accounting Manager assigned to any County contract within the last five (5) years.	Yes	See Section 5g
5) Litigation: The Proposer shall describe any prior or pending litigation, in which (i) the Proposer, (ii) any member of a joint venture, (iii) Subcontractors, (iv) any of those entities' subsidiaries, affiliates or parent companies, or (v) any of those entities' employees is or has been involved within the last ten (10) years which arise out of their employment. If so, give details.	Yes	See Section 5g
6) Convictions, Indictments, or Investigations: Has the organization of the Proposer or any of its directors, officers, partners or supervisory personnel including those of any Joint Venture ever been party to any criminal action	Yes	See Section 5g

REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12	CONTRACT MEASURES: Voluntary ACDBE Goal
INVENTORY OF SUBMITTED PROPOSALS	RFP DUE DATE: PAGE 7 OF 12
PROPOSAL DOCUMENTS	NOTES
WAS THE INFORMATION/ DOCUMENTS PROVIDED?	
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 11770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: c.rodiguez@driftwoodhotels.com</p>	
<p>relating directly or indirectly to the general conduct of the business of the Proposer herein? Identify any criminal convictions or civil judgments for the last ten (10) years, and pending criminal indictments or governmental/regulatory investigations. Information must include: (i) nature of the offense; (ii) sentence, fines, restitution or probation imposed; (iii) jurisdiction of occurrence; (iv) indicting or investigative authority; and (v) status of indictment or investigation.</p> <p>7) Affiliations: Please state whether the Proposer, any Principal of Proposer, any family, member of any Principal, or any person or entity with which such person has a business relationship, has or had within the last ten (10) years (a) directly or indirectly a business relationship with Miami-Dade County (including Miami-Dade Aviation), (b) directly or indirectly receives or received revenues from Miami-Dade County (including Miami-Dade Aviation) or (c) directly or indirectly receives or received revenue from the result of conducting business on County property or pursuant to any contract with the County. Please describe such relationship.</p> <p>Please also state whether the Respondent, any Principal of Respondent or any of their family members has or had within the last ten (10) years, a direct or indirect business relationship with any elected or appointed County official or an affiliate or with any County employee or any affiliate, and fully describe such business relationship</p>	<p>Yes</p> <p>See Section 5g</p>
<p>8) References: The Proposer shall provide customer references for similar projects, in scope and magnitude preferably in an airport environment, which the Proposer has either ongoing or completed within the last five (5) qualifying years.</p> <p>9) Financial Capacity to Perform</p>	<p>Yes</p> <p>See Section 5g; references verified by Commercial Operations</p> <p>See Section 6</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 8 OF 12</p>
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 1770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: crodriguez@driftwoodhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>
<p>This section should include the documentation requested below for the proposing company and individual companies comprising a team or joint venture for the purpose of providing Hotel Management services.</p> <p>All Proposers must provide information on:</p> <p>1) <u>Company Information:</u></p> <ul style="list-style-type: none"> • Financial relationships and responsibilities with regard to parent, subsidiary, or related companies • The percentage of equity of any partnerships formed for the Proposal <p>A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article 4.08 of the Agreement.</p>	<p>See Section 6a, a number of subsidiaries provided; also stated on page 52 "Not applicable as no partnerships are being formed for the Proposal". Also stated "None" for related parties</p>
<p>2) <u>References:</u></p> <p>The Proposer shall list three (3) business references related to Hotel Management operations (as defined in Section 1.3 Minimum Qualifications) performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference a contact name, business title of the individual, phone number, fax number and email address.</p>	<p>See Section 6b; provided 5 references; references verified by Commercial Operations</p>
<p>3) <u>Financial Background Information:</u></p> <p>In order to establish the financial stability of the proposing company, the Department requires that the following historical financial information and that of any joint venture or affiliated entities be included:</p> <p>i). In accordance with Section 1.3 - Minimum Qualifications, the proposing</p>	<p>See Section 6c that refers to for Minimum Qualification Information;</p>
<p>i). In accordance with Section 1.3 - Minimum Qualifications, the proposing</p>	<p>See Section 6c that refers to for Minimum Qualification</p>

**REQUEST FOR PROPOSALS for
Non-Exclusive Management Agreement for the
Operation of the Hotel MIA, Related
Amenities and Food and Beverage Facilities
RFP No. MDAD-08-12**

**CONTRACT MEASURES:
Voluntary ACDBE Goal**

INVENTORY OF SUBMITTED PROPOSALS

**RFP DUE DATE:
PAGE 9 OF 12**

**NAME OF PROPOSER: Driftwood Hospitality Management I, LLC
ADDRESS: 11770 U.S. Highway One, Ste 202, North Palm Beach, FL 33408 (Address Correction from 11780)
TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997
E-MAIL ADDRESS: c.rodiguez@dhhmhotels.com**

PROPOSAL DOCUMENTS

NOTES

PROPOSAL DOCUMENTS	WAS THE INFORMATION/DOCUMENTS PROVIDED?	NOTES
<p>company shall provide evidence generating an aggregate of \$50,000,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements are available, then provide the five (5) federal income tax returns filed with the Internal Revenue Service (IRS) during the same qualifying five (5) year period.</p> <p>If the Proposer's five (5) qualifying year period ended outside of the last two current years, also include:</p> <p>ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (FRS) reflecting current financial conditions; if there are no audited or reviewed financial statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and,</p> <p>iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, please state that fact.</p>	Yes	See Section 6c that refers to for Minimum Qualification information; according to Finance, they provided the requested information.
<p>4) Requested information from Subsidiaries:</p>	Yes	See Section 6c that refers to for Minimum Qualification information, " "

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 10 OF 12</p>	
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 1770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 17780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: crodiguez@driftwoodhotels.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>The Proposer must state whether the proposing company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then:</p>		
<p>Include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to the subsidiary or related company.</p>	<p align="center">Yes</p>	<p>See Section 7, provided ACDBE categories for Janitorial and Housekeeping services</p>
<p>i) Subcontractors/Subconsultants Performing Services</p> <p>The Proposer shall also include a list of the names and addresses of all major first tier Subcontractors/Subconsultants, and describe the extent of work to be performed by each one. Include resumes for the Subcontractors/Subconsultants' key personnel</p>	<p align="center">Yes</p>	<p>See Section 8</p>
<p>i) Submission of Required Documentation</p> <p>The Proposer must complete, sign as required, and submit the following documents as part of its Proposal, which have been included as attachments to this RFP:</p>	<p align="center">N/A</p>	
<p>ATTACHMENTS</p>		
<p>Appendix A: Questionnaire and Minimum Qualifications Form.</p>	<p align="center">Yes</p>	<p>See Section 8, LLC</p>
<p>Appendix B: Management Fee Form</p>	<p align="center">Yes</p>	<p>See Section 8, Management fee: \$580,000.00</p>

REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12	CONTRACT MEASURES: Voluntary ACDBE Goal
INVENTORY OF SUBMITTED PROPOSALS	RFP DUE DATE: PAGE 11 OF 12

NAME OF PROPOSER: Driftwood Hospitality Management II, LLC
ADDRESS: 1770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780)
TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997
E-MAIL ADDRESS: crodiguez@dhrhotels.com

PROPOSAL DOCUMENTS	WAS THE INFORMATION/DOCUMENTS PROVIDED?	NOTES
--------------------	---	-------

Appendix C: Acknowledgement of Addenda (Five (5) Addenda)	Yes	See Section 8
Appendix D: Lobbyist Registration for Oral Presentation	Yes	See Section 8
Appendix E-1: Single Form Execution Affidavits	Yes	See Section 8
• Public Entity Crimes Affidavit	Yes	See Section 8
• Criminal Record Affidavit	Yes	See Section 8
• Work History Disclosure Affidavit	Yes	See Section 8; In business 3 years and 2 months
Appendix E-2: Condition of Award Requirements	Yes	See Section 8
• Affirmation of Vendor Affidavits	Yes	See Section 8
• Collusion Affidavit	Yes	See Section 8
• Sudan/Iran Affidavit	Yes	See Section 8
• Subcontracting Policies Statement	Yes	See Section 8
• Subcontractor/Supplier Listing	Yes	See Section 8; Listed SenLex Environmental, LLC
• Proof of Authorization to do Business (No format, insert document)	Yes	See Section 8
	N/A	

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 12 OF 12</p>
<p>NAME OF PROPOSER: Driftwood Hospitality Management II, LLC ADDRESS: 1770 U.S. Highway One, Ste. 202, North Palm Beach, FL 33408 (Address Correction from 11780) TELEPHONE/FAX NUMBERS: (305) 500-9998/(305) 500-9997 E-MAIL ADDRESS: crosriguez@dihmhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	

<p>Appendix F: Local Business Preference</p>	<p align="center">Yes</p>	<p>See Section 8; Did not complete the form, stated that they do not directly qualify, but could qualify under GF II DVI Cardel Flagler Courtyard, LLC which they manage. Requested and received follow-up information regarding the relationship between the Proposer and GF II. Based on internal reviews it was discussed that Driftwood did not qualify for local preference because the license was not in their name.</p>
<p>Appendix G: Proposal Guaranty Bond Form</p>	<p align="center">Yes</p>	<p>See Section 8; provided cashier's check in the amount \$50,000,000.00</p>
<p>Appendix I: Airport Concession Disadvantaged Business Enterprise Participation Plan/Provision</p>	<p align="center">Yes</p>	<p>See Section 8 Listed SenLex Environmental, LLC; 10% for Housekeeping; Houseman Laundry and Janitorial personnel; Letter of Intent; also provided Subcontract agreement for staffing services-not signed. According to Minority Affairs, they are compliant.</p>
<p>Appendix J: Labor Peace Agreement (to be submitted with Proposal)</p>	<p align="center">Yes</p>	<p>See Section 8; Stated that there are no labor organizations representing Driftwood. Also stated that they were interested and will engage discussions with labor organizations, page 60. Received follow-up information that the Proposer is working with the labor union. Also received a copy of the executed labor agreement.</p>

COMMENTS: (Optional) Driftwood submitted their proposal late.

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 1 OF 13</p>
<p>NAME OF PROPOSER: Merit Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (305) 248-9478/(305) 347-1320 E-MAIL ADDRESS: cdtschiro@merit-hotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSER'S QUALIFICATIONS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>a) 1) Proposers should demonstrate five (5) consecutive years of experience operating a full service hotel with good ratings within the last ten (10) years in each of the following capabilities: managing, operating and maintaining a minimum of 250 rooms at any one single location.</p> <p>2) Proposer should provide evidence for the five (5)</p>	<p>Yes</p> <p>See Tab Appendix A</p>
<p>b) Must be authorized to do business in the State of Florida (if applicable)</p>	<p>Yes</p> <p>See Tab Appendix A, dated November 2, 2012</p>
<p align="center">TWELVE MONTH FINANCIAL BUDGET</p>	<p align="center">See Tab Budget, page 50</p>
<p align="center">TECHNICAL PROPOSAL</p>	
<p>a) Table of Contents</p> <p>The table of contents should outline, in sequential order, the major areas of the Technical Proposal. All pages of the Technical Proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the table of contents.</p>	<p>Yes</p> <p>Front of Proposal</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 2 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdiscitno@meninhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>

<p>b) Questionnaire and Minimum Qualification Requirements Form (Appendix A) is to be completed and signed by an authorized officer of the Proposer submitting the Proposal</p>	<p align="center">Yes</p>	<p>See Tab Appendix A; addressed different than the address listed with the State. Will correct address filed with the State.</p>
<p>c) Executive Summary The executive summary shall briefly and concisely describe the basic services offered by the Proposer; the Proposer's ability to perform the work requested in this RFP; the background, experience and qualifications of the Proposer and the Subcontractors / Subconsultants; the qualifications of the Proposer's personnel to be assigned to this project; and, any other information called for by this RFP, which the Proposer deems relevant. The executive summary should be no longer than four (4) pages.</p>	<p align="center">Yes</p>	<p>See Tab "Executive Summary" and; "Food and Beverage"</p>
<p>d) Proof of Minimum Qualifications The Proposer should verify its ability to satisfy all of the minimum qualifications (see Appendix A "Questionnaire and Minimum Qualifications Form"). Proposers who are less qualified, than is called for in this solicitation, or who are relying on qualifications of separate corporate entities, may receive less, or no points, from the Selection Committee, if such lack of experience would or could suggest that there is an inability to provide the services required in the manner contemplated by this solicitation.</p>	<p align="center">Yes</p>	<p>See Tab "Appendix A"</p>
<p>e) Technical Information: 1) The Proposer shall describe its specific policies, plans, procedures</p>	<p align="center">Yes</p>	<p>See Tabs "Food and Beverage Plan", "Human Resources", "Risk</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 3 OF 13</p>
<p>NAME OF PROPOSER: Mehin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdschipo@mehinhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p>or techniques to be used in providing services. (See Section 1.2, "Scope of Services"). The Proposer shall also describe its approach to project organization and management, and the responsibilities of Proposer's management and personnel that will perform work pursuant to this project.</p> <p>2) The Proposer shall provide an organizational chart including titles for all personnel to be assigned to this project. The chart must clearly identify the Proposer's key personnel. Key personnel include all partners, managers, senior partners, and other professional staff that will perform services on this project.</p> <p>3) The Proposer shall describe their key personnel's experience, qualifications, functions to be performed and other vital information including relevant experience on previous similar projects. The Proposer shall also provide their resumes with job descriptions and other detailed qualification information.</p> <p>Note: After Proposal submission, the Proposer has a continuing obligation to advise the Department of any changes, intended or otherwise, to the key personnel identified in its Proposal.</p> <p>f) Proposer's Experience, Past Performance, Litigation, Convictions, Indictments, or Investigations, Affiliations, and References:</p> <p>1) Experience: The Proposer shall provide a history of its background and experience in managing, operating, and maintaining full service hotels. The Proposer shall state the number of years that it has been in existence, the current number of employees, and the primary markets served. This section of the Proposal should include the</p>	<p align="center">WAS THE INFORMATION DOCUMENTS PROVIDED?</p> <p align="center">Management", and "Maintenance Plan"</p> <p align="center">Yes</p> <p align="center">See Tab "Key Personnel"</p> <p align="center">Yes</p> <p align="center">See Tab "Key Personnel"</p> <p align="center">Yes</p> <p align="center">See Tabs "Food & Beverage Plan", and "Project Experience"</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 4 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdischino@meninhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p>following:</p> <p>i. Names and addresses of hotel programs developed and managed or operated by the Proposer for the five qualifying years.</p> <p>ii. Per facility listing of all locations for Proposer's experience. The facility name, location, square footage, type of operation, annual gross revenues, airport or property owner rent, percentage rent, required customer service efforts, or any other details of the rent structure as well should be included.</p> <p>iii. A detailed corporate history of hotel and hospitality experience.</p> <p>iv. Other information that supports the Proposer's experience as it pertains to the RFP.</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>2) <u>Specific Project Experience:</u> The Proposer shall provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past five (5) years. For each comparable contract, the Proposer should identify: (i) the client, (ii) a description of the work performed, (iii) the total dollar value of the contract, (iv) the contract duration, (v) the client contact person and telephone number for reference, (vi) a statement or notation of whether Proposer(s) is/was the primary consultant / contractor or subcontractor /subconsultant, and (vii) the results of the project. The</p>	<p align="center">Yes</p>
	<p>See Tabs "Project Experience"; and the "Sales & Marketing Plan" and "Marketing & Advertising Plan" Tabs for Marketing, proposed plan, Sample Evaluations, and monitoring; also see "Budget" for 12 month budget</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 5 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdlschino@meninhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>
<p>Proposer shall also list and describe any projects performed for government clients or similar sized private entities, and any work performed for the County.</p> <ol style="list-style-type: none"> i. Provide Marketing Program. 1. Provide a description of the proposed plan, demonstrating an understanding of the market segments identified and targeted for this property. 2. Demonstrate an understanding of the existing airport market and competitive market set and conditions that support the plan. ii. Provide examples of marketing programs undertaken to promote sales and customer service including samples of advertisements, promotional materials, flyers, coupons, etc. iii. Provide information on quality monitoring programs that the Proposer has implemented at other venues. This shall include both descriptive information and sample evaluation forms from quality audits, performance standard evaluations, or other similar programs. Provide a Twelve Month Budget consolidated and by facility for the Hotel and related amenities as instructed in Exhibit J of the Agreement. 	

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 6 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdischino@meninhotels.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>Proposers should provide a realistic estimate of the expected annual Gross Revenues and Expenses to be derived from proposed operations.</p>	<p>Yes</p>
<p>3) Additional Experience: The Proposer shall describe any other experiences or information related to the Services described in Section 1.2, Scope of Services. (e.g. software/hardware information, training, etc.)</p>	<p>See Tab "Additional Experience"; provided the Kaskade Suites on December 1, 2013.</p>
<p>4) Past Performance: List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Code, which requires that "a Bidder's or Proposer's past performance on County contracts be considered in the selection of consultants and contractors for future County contracts." The Proposer must list and describe all work performed or being performed for Miami-Dade County, include the name of the County department which administers or administered the contract(s); the contact person(s) on the contract(s) and their contact telephone number(s); the dates covering the term of the contract(s); the dollar value of the contract(s), whether or not the County contract was audited by the County and the results therefrom, and the name, address, telephone number, responsibilities and employment status of the management team including, but not limited to: the General Manager, Facilities Manager, Sales Director and Accounting Manager assigned to any County contract within the last five (5) years.</p>	<p>Yes</p> <p>See Tab "Past Performance"; stated that they did not have direct contract history with Miami-Dade County.</p>
<p>5) Litigation: The Proposer shall describe any prior or pending litigation, in which (i) the Proposer, (ii) any member of a joint venture, (iii)</p>	<p>Yes</p> <p>See Tab "Litigation"; listed the following: Huber, W. Bickford Vs Shelborne Ocean Bch Hotel Condo Assn Inc.; Doe, Jane No 18</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 7 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdishino@meninhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>
<p>Subcontractors, (iv) any of those entities' subsidiaries, affiliates or parent companies, or (v) any of those entities' employees is or has been involved within the last ten (10) years which arise out of their employment. If so, give details.</p>	<p>Vs Sanctuary Hotel Group Inc; and Miami Ice Machine Co Vs Menin Hotels (LLC)</p>
<p>6) <u>Convictions, Indictments, or Investigations:</u> Has the organization of the Proposer or any of its directors, officers, partners or supervisory personnel including those of any Joint Venture ever been party to any criminal action relating directly or indirectly to the general conduct of the business of the Proposer herein? Identify any criminal convictions or civil judgments for the last the (10) years, and pending criminal indictments or governmental/regulatory investigations. Information must include: (i) nature of the offense; (ii) sentence, fines, restitution or probation imposed; (iii) jurisdiction of occurrence; (iv) indicting or investigative authority; and (v) status of indictment or investigation.</p>	<p>See Tab "Convictions, Indictments, or Investigations"; no infractions provided</p>
<p>7) <u>Affiliations:</u> Please state whether the Proposer, any Principal of Proposer, any family, member of any Principal, or any person or entity with which such person has a business relationship, has or had within the last ten (10) years (a) directly or indirectly a business relationship with Miami-Dade County (including Miami-Dade Aviation), (b) directly or indirectly receives or received revenues from Miami-Dade County (including Miami-Dade Aviation) or (c) directly or indirectly receives or received revenue from the result of conducting business on County property or pursuant to any contract with the County. Please describe such relationship.</p> <p>Please also state whether the Respondent, any Principal of</p>	<p>See Tab "Affiliations"; none provided</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 8 OF 13</p>	
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdischino@meninhotels.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>Respondent or any of their family members has or had with the last ten (10) years, a direct or indirect business relationship with any elected or appointed County official or an affiliate or with any County employee or any affiliate, and fully describe such business relationship</p>	<p align="center">Yes</p>	<p>See Tab "References for Similar Projects", mentioned "Exhibit A", but this exhibit was not provided; received the information through a follow-up response that Exhibit A was represented by the one set of references provided, see page 304. References verified by Commercial Operations.</p>
<p>8) <u>References:</u> The Proposer shall provide customer references for similar projects, in scope and magnitude preferably in an airport environment, which the Proposer has either ongoing or completed within the last five (5) qualifying years.</p>	<p align="center">Yes</p>	<p>See Tab "Historical Financial Background Information",</p>
<p>g) <u>Financial Capacity to Perform</u> This section should include the documentation requested below for the proposing company and individual companies comprising a team or joint venture for the purpose of providing Hotel Management services. All Proposers must provide information on:</p>	<p align="center">Yes</p>	
<p>1) <u>Company Information:</u></p> <ul style="list-style-type: none"> • Financial relationships and responsibilities with regard to parent, subsidiary, or related companies • The percentage of equity of any partnerships formed for the Proposal <p>A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article</p>	<p align="center">Yes</p>	<p>See Tab "Appendix A", LLC</p>

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 9 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478 / (305) 341-1320 E-MAIL ADDRESS: edischino@meninhotels.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>4.08 of the Agreement.</p> <p>2) <u>References:</u> The Proposer shall list three (3) business references related to Hotel Management operations (as defined in Section 1.3 Minimum Qualifications) performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference a contact name, business title of the individual, phone number, fax number and email address.</p> <p>3) <u>Financial Background Information:</u> In order to establish the financial stability of the proposing company, the Department requires that the following historical financial information and that of any joint venture or affiliated entities be included:</p> <p>i) In accordance with Section 1.3 - Minimum Qualifications, the proposing company shall provide evidence generating an aggregate of \$50,000,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements are available, then provide the five (5) federal income tax returns filed with the Internal Revenue Service (IRS) during the same qualifying five (5) year period.</p> <p>If the Proposer's five (5) qualifying year period ended outside of</p>	<p>Yes</p> <p>See Tab "Business References", See page 304; references verified by Commercial Operations.</p>
<p>Yes</p>	<p>See Tabs "Appendix A" for Minimum Qualification information, and "Historical Financial Background Information".</p>

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 10 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 180 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 249-9478 / (305) 344-1320 E-MAIL ADDRESS: edischino@meninhotels.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>	<p style="text-align: center;">NOTES</p>
<p>the last two current years, also include:</p> <p>ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (IFRS) reflecting current financial conditions; if there are no audited or reviewed financial statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and;</p> <p>iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, please state that fact.</p> <p>4) <u>Requested Information from Subsidiaries:</u></p> <p>The Proposer must state whether the proposing company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then:</p> <p>Include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to the subsidiary or related company.</p>	<p>Yes</p> <p>See Tab "Historical Financial Background Information". According to Finance, they provided a CPA statement that Agreed Upon Procedures were performed on income in order to qualify for this RFP; and that they provided unaudited balance sheets and income statements were submitted in the proposal for varying years or months for affiliated hotel operations.</p>
<p>Yes</p>	<p>See Tab "Historical Financial Background Information".</p>
<p>Yes</p>	<p>See Tab "Appendix A"</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 11 OF 13</p>
<p>NAME OF PROPOSER: MeninHotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (305) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdlschiro@meninhotels.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>

<p>h) Subcontractors/Subconsultants Performing Services The Proposer shall also include a list of the names and addresses of all major first tier Subcontractors/Subconsultants, and describe the extent of work to be performed by each one. Include resumes for the Subcontractors/Subconsultants' key personnel</p>	<p align="center">Yes</p>	<p align="center">See Tab "Subcontractors/Subconsultants"</p>
<p>i) Submission of Required Documentation The Proposer must complete, sign as required, and submit the following documents as part of its Proposal, which have been included as attachments to this RFP:</p>	<p align="center">Yes</p>	
<p>ATTACHMENTS</p>		
<p>Appendix A: Questionnaire and Minimum Qualifications Form</p>	<p align="center">N/A</p>	
<p>Appendix B: Management Fee Form</p>	<p align="center">Yes</p>	<p align="center">See Tab "Appendix A"</p>
<p>Appendix C: Acknowledgement of Addenda (Five (5) Addenda)</p>	<p align="center">Yes</p>	<p align="center">See Tab "Appendix B"; Management fee: \$575,000.00</p>
<p>Appendix D: Lobbyist Registration for Oral Presentation</p>	<p align="center">Yes</p>	<p align="center">See Tab "Appendix C"</p>
<p>Appendix E-1: Single Form Execution Affidavits</p>	<p align="center">Yes</p>	<p align="center">See Tab "Appendix D"</p>
<ul style="list-style-type: none"> • Public Entity Crimes Affidavit 	<p align="center">Yes</p>	<p align="center">See Tab "Appendix E1 & E2"</p>
<ul style="list-style-type: none"> • Criminal Record Affidavit 	<p align="center">Yes</p>	<p align="center">See Tab "Appendix E1 & E2"</p>
<ul style="list-style-type: none"> • Work History Disclosure Affidavit 	<p align="center">Yes</p>	<p align="center">See Tab "Appendix E1 & E2"</p>

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 12 OF 13</p>
<p>NAME OF PROPOSER: Menin Hotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdlsch@meninhotels.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">WAS THE INFORMATION/DOCUMENTS PROVIDED?</p>
<p>Appendix E-2: Condition of Award Requirements</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Affirmation of Vendor Affidavits 	<p>See Tab "Appendix E1 & E2"</p>
<ul style="list-style-type: none"> • Collusion Affidavit 	<p>Yes</p>
<ul style="list-style-type: none"> • Sudan/Iran Affidavit 	<p>See Tab "Appendix E1 & E2"</p>
<ul style="list-style-type: none"> • Subcontracting Policies Statement 	<p>Yes</p>
<ul style="list-style-type: none"> • Subcontractor/Supplier Listing 	<p>See Tab "Appendix E1 & E2"; none provided</p>
<ul style="list-style-type: none"> • Proof of Authorization to do Business (No format, insert document) 	<p>Yes</p>
<p>Appendix F: Local Business Preference</p>	<p>N/A</p>
<p>Appendix G: Proposal Guaranty Bond Form</p>	<p>Yes</p>
<p>Appendix I: Airport Concession Disadvantaged Business Enterprise Participation Plan/Provision</p>	<p>Yes</p>
<p></p>	<p>See Tab "Appendix F"; provided lease agreement, terminates 2/28/2017 in the name of Shelborne Ocean Beach Hotel Condominium Association Inc./ Shelborne Ocean Beach Hotel Corp; provided local business tax for 1 year 2012-2013 and 2012 State of Florida business license also in the name of Shelborne</p>
<p></p>	<p>See Tab "Appendix G"; need power of attorney and surety name was not provided on the form; received the updated bond with the surety and power of attorney with follow-up information.</p>
<p></p>	<p>See Tab "Appendix I"; delivery of fresh fruits and vegetables under "Excellent Fruit & Produce, Inc." with Letter of Intent. According to Minority Affairs, they are compliant.</p>

<p>REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p>CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p>INVENTORY OF SUBMITTED PROPOSALS</p>	<p>RFP DUE DATE: PAGE 13 OF 13</p>
<p>NAME OF PROPOSER: Meninhotels, LLC ADDRESS: 1801 Collins Avenue, 17th Floor, Miami Beach, FL 33139 TELEPHONE/FAX NUMBERS: (561) 248-9478/(305) 341-1320 E-MAIL ADDRESS: cdisc@meninhotels.com</p>	
<p>PROPOSAL DOCUMENTS</p>	<p>WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>NOTES</p>	<p>Appendix J: Labor Peace Agreement (to be submitted with Proposal)</p> <p>Yes</p> <p>See Tab "Appendix J", provided a Memorandum of Agreement with United Here in the of Menin Hotels, LLC; provided an Exhibit A with employee inclusions and exclusions, see limits</p>

COMMENTS: (Optional)

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 1 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates, Incorporated dba EFM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">PROPOSER'S QUALIFICATIONS</p>	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>a) 1) Proposers should demonstrate five (5) consecutive years of experience operating a full service hotel with good ratings within the last ten (10) years in each of the following capabilities: managing, operating and maintaining a minimum of 250 rooms at any one single location.</p> <p>2) Proposer should provide evidence for the five (5) qualifying years (referenced above) that they have generated at least an aggregate</p>	<p>Yes</p> <p>See Page 17</p>
<p>b) Must be authorized to do business in the State of Florida (if applicable)</p>	<p>Yes</p> <p>See Appendix E2, behind the orange divider</p>
<p style="text-align: center;">TWELVE MONTH FINANCIAL BUDGET</p>	<p style="text-align: center;">Yes</p> <p>See Exhibit 4, page 8</p>
<p style="text-align: center;">TECHNICAL PROPOSAL</p>	<p style="text-align: center;">Yes</p>
<p>a) Table of Contents</p> <p>The table of contents should outline, in sequential order, the major areas of the Technical Proposal. All pages of the Technical Proposal, including the enclosures, must be clearly and consecutively numbered and correspond to the table of contents</p>	<p>Front of Proposal</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 2 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated, dba EFM Hospitality Solutions, ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>b) Questionnaire and Minimum Qualification Requirements Form (Appendix A) is to be completed and signed by an authorized officer of the Proposer submitting the Proposal</p>	<p align="center">Yes</p> <p>See Appendix A, behind the orange divider; address provided is a residential address</p>
<p>c) Executive Summary The executive summary shall briefly and concisely describe the basic services offered by the Proposer, the Proposer's ability to perform the work requested in this RFP; the background, experience and qualifications of the Proposer and the Subcontractors / Subconsultants; the qualifications of the Proposer's personnel to be assigned to this project; and, any other information called for by this RFP, which the Proposer deems relevant. The executive summary should be no longer than four (4) pages.</p>	<p align="center">Yes</p> <p>See Page 4</p>
<p>d) Proof of Minimum Qualifications The Proposer should verify its ability to satisfy all of the minimum qualifications (see Appendix A "Questionnaire and Minimum Qualifications Form"). Proposers who are less qualified, than is called for in this solicitation, or who are relying on qualifications of separate corporate entities, may receive less, or no points, from the Selection Committee, if such lack of experience would or could suggest that there is an inability to provide the services required in the manner contemplated by this solicitation.</p>	<p align="center">Yes</p> <p>See Page 17 and Appendix A, behind the orange divider</p>
<p>e) Technical Information:</p>	<p align="center">Yes</p>
<p>1) The Proposer shall describe its specific policies, plans, procedures or techniques to be used in providing services. (See Section 1.2, "Scope of</p>	<p align="center">Yes</p> <p>See Page 8</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 3 OF 12</p>	
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba: EFM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>		
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	<p align="center">NOTES</p>
<p>Services). The Proposer shall also describe its approach to project organization and management, and the responsibilities of Proposer's management and personnel that will perform work pursuant to this project.</p>		
<p>2) The Proposer shall provide an organizational chart including titles for all personnel to be assigned to this project. The chart must clearly identify the Proposer's key personnel. Key personnel include all partners, managers, senior partners, and other professional staff that will perform services on this project.</p>	<p align="center">Yes</p>	<p align="center">See Page 19 and Exhibit 4</p>
<p>3) The Proposer shall describe their key personnel's experience, qualifications, functions to be performed and other vital information including relevant experience on previous similar projects. The Proposer shall also provide their resumes with job descriptions and other detailed qualification information.</p> <p>Note: After Proposal submission, the Proposer has a continuing obligation to advise the Department of any changes, intended or otherwise, to the key personnel identified in its Proposal.</p>	<p align="center">Yes</p>	<p align="center">See Exhibit 1</p>
<p>f) Proposer's Experience, Past Performance, Litigation, Convictions, Indictments, or Investigations, Affiliations, and References:</p>	<p align="center">Yes</p>	
<p>1) Experience: The Proposer shall provide a history of its background and experience in managing, operating, and maintaining full service hotels. The Proposer shall state the number of years that it has been in existence, the current number of employees, and the primary markets served. This section of</p>	<p align="center">Yes</p>	<p align="center">See Page 24</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 4 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFM Hospitality Solutions. ADDRESS: 3240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION DOCUMENTS PROVIDED?</p>
<p>the Proposal should include the following:</p> <ul style="list-style-type: none"> i. Names and addresses of hotel programs developed and managed or operated by the Proposer for the five qualifying years. ii. Per facility listing of all locations for Proposer's experience. The facility name, location, square footage, type of operation, annual gross revenues, airport or property owner rent, percentage rent, required customer service efforts, or any other details of the rent structure as well should be included. iii. A detailed corporate history of hotel and hospitality experience. iv. Other information that supports the Proposer's experience as it pertains to the RFP. 	<p align="center">NOTES</p>
<p>2) <u>Specific Project Experience:</u> The Proposer shall provide a detailed description of comparable contracts (similar in scope of services to those requested herein) which the Proposer has either ongoing or completed within the past five (5) years. For each comparable contract, the Proposer should identify: (i) the client, (ii) a description of the work performed, (iii) the total dollar value of the contract, (iv) the contract duration, (v) the client contact person and telephone number for reference, (vi) a statement or notation of whether Proposer(s) is/was the primary consultant / contractor or subcontractor / subconsultant, and (vii) the results of the project. The Proposer shall also list and describe any</p>	<p align="center">Yes</p> <p align="center">See Page 26 and Exhibit 3 and 4</p>

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 5 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>

<p>projects performed for government clients or similar sized private entities, and any work performed for the County.</p> <p>i. Provide Marketing Program.</p> <p>1. Provide a description of the proposed plan, demonstrating an understanding of the market segments identified and targeted for this property.</p> <p>2. Demonstrate an understanding of the existing airport market and competitive market set and conditions that support the plan.</p> <p>ii. Provide examples of marketing programs undertaken to promote sales and customer service including samples of advertisements, promotional materials, flyers, coupons, etc.</p> <p>iii. Provide information on quality monitoring programs that the Proposer has implemented at other venues. This shall include both descriptive information and sample evaluation forms from quality audits, performance standard evaluations, or other similar programs. Provide a Twelve Month Budget consolidated and by facility for the Hotel and related amenities as instructed in Exhibit J of the Agreement.</p> <p>Proposers should provide a realistic estimate of the expected annual Gross</p>	
--	--

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 6 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFIM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efimhospitality.com</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>

<p>Revenues and Expenses to be derived from proposed operations.</p>		<p align="center">Yes</p>	<p>See Page 26 and Exhibit 3 and 4</p>
<p>3) Additional Experience: The Proposer shall describe any other experiences or information related to the Services described in Section 1.2, Scope of Services. (e.g. software/hardware information, training, etc.)</p>		<p align="center">Yes</p>	<p>See Page 28, no prior County Contracts</p>
<p>4) Past Performance: List all contracts which the Proposer has performed for Miami-Dade County. The County will review all contracts the Proposer has performed for the County in accordance with Section 2-8.1(g) of the Code, which requires that "a Bidder's or Proposer's past performance on County contracts be considered in the selection of consultants and contractors for future County contracts." The Proposer must list and describe all work performed or being performed for Miami-Dade County, include the name of the County department which administers or administered the contract(s); the contact person(s) on the contract(s) and their contact telephone number(s); the dates covering the term of the contract(s); the dollar value of the contract(s), whether or not the County contract was audited by the County and the results therefrom, and the name, address, telephone number, responsibilities and employment status of the management team including, but not limited, to: the General Manager, Facilities Manager, Sales Director and Accounting Manager assigned to any County contract within the last five (5) years.</p>		<p align="center">Yes</p>	<p>See Page 28, None listed</p>
<p>5) Litigation: The Proposer shall describe any prior or pending litigation, in which (i) the Proposer, (ii) any member of a joint venture, (iii) Subcontractors, (iv) any of those entities' subsidiaries, affiliates or parent companies, or (v) any of those entities' employees is or has been involved within the last ten (10) years which</p>			

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 7 OF 12</p>
<p style="text-align: center;">NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFM Hospitality Solutions- ADDRESS: 13240 S.W. 99 Place Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 EMAIL ADDRESS: john@efmhospitality.com</p>	
<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>arise out of their employment. If so, give details.</p> <p>6) <u>Convictions, Indictments, or Investigations:</u> Has the organization of the Proposer or any of its directors, officers, partners or supervisory personnel including those of any Joint Venture ever been party to any criminal action relating directly or indirectly to the general conduct of the business of the Proposer herein? Identify any criminal convictions or civil judgments for the last the (10) years, and pending criminal indictments or governmental/regulatory investigations. Information must include: (i) nature of the offense; (ii) sentence, fines, restitution or probation imposed; (iii) jurisdiction of occurrence; (iv) indicting or investigative authority; and (v) status of indictment or investigation.</p>	<p style="text-align: center;">Yes</p>
<p>7) <u>Affiliations:</u> Please state whether the Proposer, any Principal of Proposer, any family, member of any Principal, or any person or entity with which such person has a business relationship, has or had within the last ten (10) years (a) directly or indirectly a business relationship with Miami-Dade County (including Miami-Dade Aviation), (b) directly or indirectly receives or received revenues from Miami-Dade County (including Miami-Dade Aviation) or (c) directly or indirectly receives or received revenue from the result of conducting business on County property or pursuant to any contract with the County. Please describe such relationship.</p> <p>Please also state whether the Respondent, any Principal of Respondent or any of their family members has or had within the last ten (10) years, a direct or indirect business relationship with any elected or appointed County official or an affiliate or with any County employee or any affiliate, and fully describe such</p>	<p style="text-align: center;">Yes</p>
	<p style="text-align: center;">See Page 28, None listed</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 8 OF 12</p>
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFIM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efimhospitality.com</p> <p align="center">PROPOSAL DOCUMENTS</p> <p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p> <p align="center">NOTES</p>	

<p>business relationship</p>	<p>8) References: The Proposer shall provide customer references for similar projects, in scope and magnitude preferably in an airport environment, which the Proposer has either ongoing or completed within the last five (5) qualifying years.</p>	<p>9) Financial Capacity to Perform This section should include the documentation requested below for the proposing company and individual companies comprising a team or joint venture for the purpose of providing Hotel Management services.</p>	<p>All Proposers must provide information on:</p>	<p>1) <u>Company Information:</u></p> <ul style="list-style-type: none"> • Financial relationships and responsibilities with regard to parent, subsidiary, or related companies • The percentage of equity of any partnerships formed for the Proposal • A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article 4.08 of the Agreement. 	<p>2) <u>References:</u> The Proposer shall list three (3) business references related to Hotel Management operations (as defined in Section 1.3 Minimum Qualifications)</p>
	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>
	<p>See Page 30 stated at top of page that "The Proposer has no Parent, Subsidiary or Related Company. There are no partnerships formed for this proposal". Also see Page 31</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>	<p>See Page 29; reference check conducted by Commercial Operations</p>

<p style="text-align: center;">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p style="text-align: center;">CONTRACT MEASURES: Voluntary ACDBE Goal</p>	
<p style="text-align: center;">INVENTORY OF SUBMITTED PROPOSALS</p>	<p style="text-align: center;">RFP DUE DATE: PAGE 9 OF 12</p>	
<p>NAME OF PROPOSER: NEF & JM Associates Incorporated dba EFM Hospitality Solutions ADDRESS: 43240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	<p style="text-align: center;">PROPOSAL DOCUMENTS</p>	<p style="text-align: center;">NOTES</p>
	<p style="text-align: center;">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>	
<p>performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference a contact name, business title of the individual, phone number, fax number and email address.</p>	<p style="text-align: center;">Yes</p>	
<p>3) Financial Background Information: In order to establish the financial stability of the proposing company, the Department requires that the following historical financial information and that of any joint venture or affiliated entities be included:</p>	<p style="text-align: center;">Yes</p>	<p>See Page 17 and Appendix A</p>
<p>i) In accordance with Section 1.3 - Minimum Qualifications, the proposing company shall provide evidence generating an aggregate of \$50,000,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements are available, then provide the five (5) federal income tax returns filed with the Internal Revenue Service (IRS) during the same qualifying five (5) year period.</p>		
<p>If the Proposer's five (5) qualifying year period ended outside of the last two current years, also include:</p>		
<p>ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (IFRS) reflecting current financial conditions; if there are no audited or reviewed financial</p>	<p style="text-align: center;">Yes</p>	<p>See Exhibit 2, also see page 31 for "The hotel operating financials are confidential and proprietary to the hotel Owner and/or Operating Company and cannot be shared in this document."; Proposer</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 10 OF 12</p>

<p>NAME OF PROPOSER: NEF & JM Associates, Incorporated dba EFM Hospitality Solutions ADDRESS: 13240 SW 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@efmhospitality.com</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>

<p>statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and,</p>		<p>provided their U.S. Income Tax Return for an S Corporation, Form 1120S for 2011 and 2012, see write up from Finance.</p>
<p>iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, please state that fact.</p> <p>4) <u>Requested Information from Subsidiaries:</u> The Proposer must state whether the proposing company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then: Include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to the subsidiary or related company. Subcontractors/Subconsultants Performing Services The Proposer shall also include a list of the names and addresses of all major first tier Subcontractors/Subconsultants, and describe the extent of work to be performed by each one. Include resumes for the</p>	<p>Yes</p> <p>Yes</p>	<p>See Exhibit 2, " "</p> <p>See Page 30 stated at top of page that "The Proposer has no Parent, Subsidiary or Related Company There are no partnerships formed for this proposal".</p>
	<p>Yes</p>	<p>See Appendix E2</p>

<p align="center">REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12</p>	<p align="center">CONTRACT MEASURES: Voluntary ACDBE Goal</p>
<p align="center">INVENTORY OF SUBMITTED PROPOSALS</p>	<p align="center">RFP DUE DATE: PAGE 11 OF 12</p>
<p>NAME OF PROPOSER: NEE & JIM Associates Incorporated dba EEM Hospitality Solutions ADDRESS: 13240 S.W. 99 Place, Miami, FL 33176 TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734 E-MAIL ADDRESS: john@eemhospitality.com</p>	
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">NOTES</p>
<p align="center">PROPOSAL DOCUMENTS</p>	<p align="center">WAS THE INFORMATION/ DOCUMENTS PROVIDED?</p>
<p>Subcontractors/Subconsultants' key personnel</p>	<p>Documents Located Behind Orange Tab in Proposal</p>
<p>i) Submission of Required Documentation</p>	<p>Yes</p>
<p>The Proposer must complete, sign as required, and submit the following documents as part of its Proposal, which have been included as attachments to this RFP:</p>	<p>Documents Located Behind Orange Tab in Proposal</p>
<p>ATTACHMENTS-DOCUMENTS</p>	<p>N/A</p>
<p>Appendix A: Questionnaire and Minimum Qualifications Form</p>	<p>Incorporated May 27, 2010</p>
<p>Appendix B: Management Fee Form</p>	<p>Management fee: \$396,000.00</p>
<p>Appendix C: Acknowledgement of Addenda (Five (5) Addenda)</p>	<p>Put the wrong date for Addendum No. 1 on the form</p>
<p>Appendix D: Lobbyist Registration for Oral Presentation</p>	<p>Yes</p>
<p>Appendix E-1: Single Form Execution Affidavits</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Public Entity Crimes Affidavit 	<p>Yes</p>
<ul style="list-style-type: none"> • Criminal Record Affidavit 	<p>Yes</p>
<ul style="list-style-type: none"> • Work History Disclosure Affidavit 	<p>Yes</p>
<p>Appendix E-2: Condition of Award Requirements</p>	<p>Yes</p>
<ul style="list-style-type: none"> • Affirmation of Vendor Affidavits 	<p>Yes</p>
<ul style="list-style-type: none"> • Collusion Affidavit 	<p>Yes</p>
<p>In business for 2 years and 9 months</p>	<p>In business for 2 years and 9 months</p>
<p>Need the top of page COA-2 completed</p>	<p>Need the top of page COA-2 completed</p>

REQUEST FOR PROPOSALS for Non-Exclusive Management Agreement for the Operation of the Hotel MIA, Related Amenities and Food and Beverage Facilities RFP No. MDAD-08-12	CONTRACT MEASURES: Voluntary ACDBE Goal
INVENTORY OF SUBMITTED PROPOSALS	RFP DUE DATE: PAGE 12 OF 12

NAME OF PROPOSER: NEF & JM Associates Incorporated dba EEM Hospitality Solutions
ADDRESS: 13240 S.W. 99 Place Miami, FL 33176
TELEPHONE/FAX NUMBERS: (786) 253-6525/(305) 479-2734
E-MAIL ADDRESS: john@eemhospitality.com

PROPOSAL DOCUMENTS	WAS THE INFORMATION/DOCUMENTS PROVIDED?	NOTES
--------------------	---	-------

• Sudan/Iran Affidavit	Yes	
• Subcontracting Policies Statement	Yes	
• Subcontractor/Supplier Listing	Yes	Stated "None"
• Proof of Authorization to do Business (No format, insert document)	Yes	
Appendix F: Local Business Preference	N/A	
Appendix G: Proposal Guaranty Bond Form	No	Need form; provided form with follow-up information.
Appendix I: Airport Concession Disadvantaged Business Enterprise Participation Plan/Provision	Yes	Provided a cashier's check in the amount of \$50,000.00. See page 18; Committed to a 12+% ACDBE participation but did not complete the forms. Provided completed forms through Minority Affairs (MA), and according to MA, they're complaint.
Appendix J: Labor Peace Agreement (to be submitted with Proposal)	Yes	Provided a Labor Peace Agreement - Memorandum of Understanding with UniteHere and NEF; provided an Exhibit A with employee inclusions and exclusions, see limits.

COMMENTS: (Optional)

FINANCIAL CAPACITY MEMO(S)

**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: Driftwood Hospitality Management II, LLC

<u>Submitted?</u>	<u>Review/Notes/Comments</u>
<p>Company Information: All Proposers must provide information on:</p> <ul style="list-style-type: none"> • Financial Relationships and responsibilities with regard to parent, subsidiary, or related companies. 	<p>Yes</p> <p>Proposer states it manages hotel properties throughout the United States and in order to effectively manage the hotels subsidiary entities have been established. (Reference pages 50-52 for a list of subsidiaries) Driftwood Hospitality Management II, LLC (Driftwood) is composed of Driftwood Ventures Inc. and AC-DW Investment Group. (Reference page 5 of 15 of Appendix A, located</p>
<ul style="list-style-type: none"> • The percentage of equity of any partnerships formed for the proposal. 	<p>Yes</p> <p>Proposer states that this is not applicable as no partnerships are being formed for this proposal. (Reference page 52)</p>
<ul style="list-style-type: none"> • A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article 4.08 of the Agreement. 	<p>Yes</p> <p>Proposer states there were no related party businesses, transactions and interests. (Reference page 52)</p>
<p>References: Three (3) business references related to Hotel Management operations (as defined in Section 1.3 Minimum Qualifications) performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference:</p> <ul style="list-style-type: none"> • contact name • business title of the individual • phone number • fax number • email address 	<p>Yes</p> <p>References were provided. (Reference pages 53-55)</p>

**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: Driftwood Hospitality Management II, LLC

Submitted?	Reviewer Notes/Comments
Yes	<p>Driftwood submitted audited financial statements for DHM Denver Hotel, L.P. and Affiliate for the years ended December 31, 2007, 2008, 2009, 2010 and 2011. The Notes to the Consolidated Financial Statements state that DHM Denver Hotel, L.P. entered into an agreement with Driftwood, a related party, to manage the operations of the hotel in July, 2006. The Gross Revenues per the audited Financial Statements were as follows: 2007 - \$10,481,664; 2008 - \$12,953,396; 2009 - \$11,756,483; 2010 - \$13,100,839; and 2011 - \$13,885,110. (Reference- Financial Statements located at conclusion of Exhibit A)</p>
N/A	<p>Financial Background Information:</p> <ul style="list-style-type: none"> • i) The proposing company shall provide evidence generating an aggregate of \$50,000,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements available, then provide the last five (5) federal income tax returns filed with the Internal Revenue Service (IRS) during the same five (5) year period. • if the Proposer's five (5) qualifying year period ended outside of the last two current years, also include: <ul style="list-style-type: none"> ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (IFRS) reflecting current financial conditions; if there are no audited or reviewed financial statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and, iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, state that fact.

**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: Driftwood Hospitality Management II, LLC

Requested Information from Subsidiaries:	Submitted?	Reviewer Notes/Comments
<p>Proposer must state whether this company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to subsidiary or related company.</p>	<p>Yes</p>	<p>Proposer stated it does not operate as a subsidiary of another company. (Reference page 56).</p>

Mindy Eisenberg
Mindy Eisenberg, Professional Compliance Supervisor
Miami-Dade Aviation Department

March 12, 2013
Date

Anne S. Lee
Anne S. Lee, Chief Financial Officer
Miami-Dade Aviation Department

March 14, 2013
Date

The Financial Compliance Review verifies RFP documentation under the Technical Proposal Section titled "Financial Capacity to Perform", is submitted as required. Submitted financial information is reviewed for compliance to the proposal. This review is not intended to make representations as to the creditworthiness of the proposer's financial position.

PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
RFP No.: MDAD-08-12
FINANCIAL COMPLIANCE REVIEW
PROPOSER: EFM Hospitality Solutions

Submitted	Reviewer Notes/Comments
<p>Company Information: All Proposers must provide information on:</p> <ul style="list-style-type: none"> • Financial Relationships and responsibilities with regard to parent, subsidiary, or related companies. • The percentage of equity of any partnerships formed for the proposal. • A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article 4.08 of the Agreement. <p>References: Three (3) business references related to Hotel Management operations (as defined in Section 1.3 Minimum Qualifications) performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference:</p> <ul style="list-style-type: none"> • contact name • business title of the individual • phone number • fax number • email address 	<p>Proposer states that it has no parent, subsidiary or related companies. (Reference Proposer states there are no partnerships formed for this proposal. (Reference page 30)</p> <p>Proposer states it has no related company. (Reference page 30)</p> <p>References were provided. (Reference page 30)</p>
Yes	
Yes	
Yes	
Yes	

PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: EFM Hospitality Solutions

<u>Financial Background Information:</u>	<u>Submitted?</u>	<u>Reviewer Notes/Comments</u>
<p>The proposing company shall provide evidence generating an aggregate of \$50,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements available, then provide the last five (5) federal income tax returns filed with the Internal Revenue Service (IRS) during the same five (5) year period.</p>	No	The proposer states the hotel operating financials are confidential and proprietary to the hotel Owner and/or Operating Company and cannot be shared in this document. The proposer further states that audited or reviewed comparable Financial Statements are not available. The proposer provided their U.S. Income Tax Return for an S Corporation, Form 1120S for 2011 and 2012. (Reference page 33, Exhibit 2)
<ul style="list-style-type: none"> • If the Proposer's five (5) qualifying year period ended outside of the last two current years, also include: <ul style="list-style-type: none"> ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (IFRS) reflecting current financial conditions; if there are no audited or reviewed financial statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and, and, iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, state that fact. 	N/A	

PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
RFP No.: MDAD-08-12
FINANCIAL COMPLIANCE REVIEW
PROPOSER: EFM Hospitality Solutions

Requested Information from Subsidiaries:	Submitted:	Reviewer Notes/Comments:
<p>Proposer must state whether this company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to subsidiary or related company.</p>	<p>Yes</p>	<p>Proposer states it has no parent company. (Reference page 30)</p>

Mindy Eisenberg
Mindy Eisenberg, Professional Compliance Supervisor
Miami-Dade Aviation Department

March 12, 2013
Date

Anne S. Lee
Anne S. Lee, Chief Financial Officer
Miami-Dade Aviation Department

March 14, 2013
Date

The Financial Compliance Review verifies RFP documentation under the Technical Proposal Section titled "Financial Capacity to Perform", is submitted as required. Submitted financial information is reviewed for compliance to the proposal. This review is not intended to make representations as to the creditworthiness of the proposer's financial position.

**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: Menin Hotels, LLC

Submitted	Reviewed/Notes/Comments
<p>Company Information:</p> <p>All Proposers must provide information on:</p> <ul style="list-style-type: none"> Financial Relationships and responsibilities with regard to parent, subsidiary, or related companies. The percentage of equity of any partnerships formed for the proposal. A list of all related party businesses, transactions and interests. "Related Parties" is specifically defined in Sub-article 4.08 of the Agreement. <p>References:</p> <p>Three (3) business references related to Hotel M management operations (as defined in Section 1.3 Minimum Qualifications) performed during five (5) qualifying years within the last ten (10) years. Proposer shall provide for each reference:</p> <ul style="list-style-type: none"> contact name business title of the individual phone number fax number email address 	<p>Proposer is owned 75% by KMJG Holdings, LLC</p> <p>Not a partnership</p> <p>Proposer states it is affiliated to the following entities:</p> <p>Shelborne South Beach Hotel, Gale South Beach & Regent Hotel, Sanctuary South Beach Hotel, Bentley South Beach Hotel, Raffaello Chicago Hotel.</p> <p>Hotel Management Operations is not defined in Section 1.3 of Min Quals. Therefore the adequacy of the references cannot be determined but a list was provided.</p>

**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

FINANCIAL COMPLIANCE REVIEW

PROPOSER: Menin Hotels, LLC

Submitted?	Reviewed/Notes/Comments
<p>Financial Background Information:</p> <ul style="list-style-type: none"> i) The proposing company shall provide evidence generating an aggregate of \$50,000,000 in annual Gross Revenues during the five (5) qualifying years of operating a full service hotel by providing audited or reviewed financial statements prepared in accordance with generally accepted accounting principles (GAAP) of the Hotel operated by the proposing company for each year during the qualifying five (5) year period or if no audited or reviewed financial statements available, then provide the last five (5) Federal income tax returns filed with the Internal Revenue Service (IRS) during the same five (5) year period. 	<p>No</p>
<ul style="list-style-type: none"> • If the Proposer's five (5) qualifying year period ended outside of the last two current years, also include: <ul style="list-style-type: none"> ii) Audited or reviewed comparative financial statements for the last two fiscal years prepared in accordance with generally accepted accounting principles (GAAP), or International Financial Reporting Standards (IFRS) reflecting current financial conditions; if there are no audited or reviewed financial statements available, then provide the last two (2) federal income tax returns filed with the Internal Revenue Service (IRS) and, (iii) An interim balance sheet and income statement for any period of time in excess of six months of the financial statements submitted as part of (ii) above, reflecting any significant financial events occurring subsequent to the closing date; if no significant events occurred, state that fact. 	<p>Proposer provided a CPA statement indicating Agreed Upon Procedures were performed on income in order to qualify for this RFP. No detail as to the nature of the Agreed Upon Procedures was included. Unaudited balance sheets and income statements were submitted in the proposal for varying years or months for affiliated hotel operations. Subsequently, redacted and incomplete Tax Returns were submitted for 2007-2011 for two subsidiaries and 2009-2011 for one subsidiary. Only the first page of each return, with redactions, was submitted.</p>
<p>NA</p>	

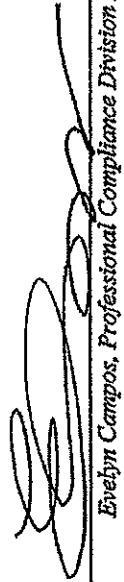
**PROJECT NAME: REQUEST FOR NON-EXCLUSIVE MANAGEMENT AGREEMENT FOR THE OPERATION OF THE HOTEL
MIA, RELATED AMENITIES AND FOOD AND BEVERAGE FACILITIES**

RFP No.: MDAD-08-12

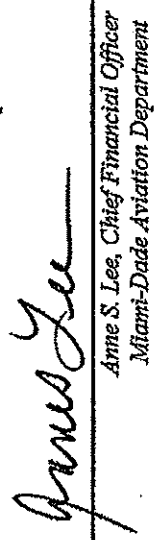
FINANCIAL COMPLIANCE REVIEW

PROPOSER: Menin Hotels, LLC

Requested Information from Subsidiaries:	Submitted?	Reviewer Notes/Comments
<p>• Proposer must state whether this company operates as a subsidiary of another company. If the proposer is operating as a subsidiary of another company, then include the parent company's financial information, to include audited or reviewed financial statements for the last three (3) years or if no audited or reviewed financial statements are available, then provide the latest three (3) federal income tax returns filed with the Internal Revenue Service (IRS). Also provide information on the parent company's financial relationship and responsibilities to subsidiary or related company.</p>	Yes	Menin Hotels is owned 75% by KMG Holdings. Unaudited balance sheets and income statements were submitted under Menin Hotels.


 Evelyn Campos, Professional Compliance Division Director
 Miami-Dade Aviation Department

4/15/13
 Date


 Anne S. Lee, Chief Financial Officer
 Miami-Dade Aviation Department

4/15/13
 Date

The Financial Compliance Review verifies RFP documentation under the Technical Proposal Section titled "Financial Capacity to Perform", is submitted as required. Submitted financial information is reviewed for compliance to the proposal. This review is not intended to make representations as to the creditworthiness of the proposer's financial position.