

DEPARTMENTAL INPUT
CONTRACT/PROJECT MEASURE ANALYSIS AND RECOMMENDATION
NEW CONTRACT (PENDING)

OTR Sole Source Bid Waiver Emergency Previous Contract/Project No. N/A

Contract: RTQ-01300

Re-Bid Other

LIVING WAGE APPLIES: YES NO

Requisition No./Project No.: RQID1900105 TERM OF CONTRACT **Five (5) Years**

Requisition /Project Title: Recreational Programming and Concessions - Prequal

Description: (Revenue Generating) Miami-Dade County shall pre-qualify Successful Bidders to participate in spot market purchases to provide recreational programming and concession operations including; Judo, Karate, Tai Chi, Dance, Aerobics, Fitness Activities, Yoga, Drama, Improv, Music, Art, Ceramics, Photography, Cooking, Floral Arrangements and other activities which may be proposed. Concession operations shall include mobile vending carts, food trucks, concession stands, petting zoos, pony rides, paddle boat rentals, and other activities which may be proposed.

Issuing Department: Internal Services Depart. Contact Person: JASON EDELSTEIN Phone: 305-375-4211

Estimated Revenue: \$200,000 GENERAL FEDERAL OTHER

Funding Source: Federal, Proprietary, General, Library District, Internal
 Services

ANALYSIS

Commodity Codes:	952-83	906-72		
Contract/Project History of previous purchases three (3) years Check here <input type="checkbox"/> if this is a new contract/purchase with no previous history.				
	<u>EXISTING</u>	<u>2ND YEAR</u>	<u>3RD YEAR</u>	
Contractor:				
Small Business Enterprise:				
Anticipated Contract Revenue :	\$200,000			
Comments:				
Continued on another page (s): <input type="checkbox"/> YES <input type="checkbox"/> NO				
<u>RECOMMENDATIONS</u>				
	Set-aside	Sub-contractor goal	Bid preference	Selection factor
SBE				
Basis of recommendation:				

Signed: Jason Edelstein	Date sent to SBD: 06/14/2019
	Date returned to DPM: [REDACTED]

Revised April 2005

SECTION 2
SPECIAL TERMS AND CONDITIONS

2.1 PURPOSE

This Request to Qualify (RTQ) will establish a Prequalified Pool of Vendors (Pool) that will be used to solicit Recreational Programming and Concession Operations for Miami-Dade County. Inclusion in the Pool is **not** a contract between the County and the Vendor, but an acknowledgement that the Vendor meets the qualifications as outlined throughout this RTQ. Vendor Submittals are accepted throughout the term of the RTQ for inclusion in such Pool.

Formatted: Underline

2.2 DEFINITIONS

Invitation to Quote (ITQ) – Shall refer to the solicitation of quotes from the Pool for specific goods and/or services; and awarded based on lowest price, or other quantifiable criteria.

Prequalified Pool of Vendors (Pool) – Shall refer to business entities/individuals determined by the County's Internal Services Department, Strategic Procurement Division, as meeting the minimum standards of business competence, financial ability, and/or product quality for placement in the Pool, and which may submit quote or proposal, at the time of need.

Vendor – Shall refer to a business entity/individual responding to this RTQ.

Submittal – shall refer to all information, attachments and forms submitted in response to this RTQ.

Work Order Proposal Request (WOPR) – Shall refer to the solicitation of offers from the Prequalified Pool of Vendors for specific goods and/or services; and evaluated and awarded based on best value.

Recreational Programming – overall coordination of recreational activities of leisure for groups of participants that promote socialization, community integration, mobility, independence and skill.

Concession Operation – A commercial organization operating on Miami-Dade County Parks, Recreation and Open Spaces land that provides concession items or concession activities.

Concession Service – A commercial organization operating on Miami-Dade County Parks, Recreation and Open Spaces land that sells concession items or products.

Concession Activity - A commercial organization operating on Miami-Dade County Parks, Recreation and Open Spaces land that provides concession activities.

PROS – Miami-Dade County Parks, Recreation and Open Spaces Department

2.3 TERM

The Pool shall be established on the first calendar day of the month succeeding approval by the Board of County Commissioners, or designee, unless otherwise stipulated in the Blanket Purchase Order issued by the Internal Services Department, Strategic Procurement Division. The Pool shall expire on the last day of the five (5) year term.

2.4 QUALIFICATION CRITERIA

Vendors shall meet the following criteria to be considered for inclusion in the pool; and for participation in future competitions for the following groups:

Group A: Recreational Programming ~~and Activities~~

Group B: Concession Operations

Qualifications for Group 1: Recreational Programming and Activities

1. Vendor(s) shall provide three (3) reference letters from government or commercial entities on the reference's company letterhead, signed to demonstrate that the Vendor is regularly engaged in the business of providing recreational programming. The reference letters shall describe the recreational program and activities provided by the Vendor(s) within the last two years, the number of continuous months the current program has lasted, the number of participants enrolled in the recreational activity and the contact information of the reference including current phone number and email address. The County shall be able to ascertain from these references to its satisfaction that the Vendor has sufficient experience in providing ~~R~~recreational ~~P~~rogramming ~~and activities~~.
2. Vendor(s) shall submit valid Occupational License (Local Business Tax Receipt) with their application. License must be dated prior to bid opening.
3. Vendor(s) shall assign a competent company representative who can be contacted Monday through Friday from 8:00 a.m. to 5:00 p.m. (local time) for quotations. Vendor(s) are required to provide their representative(s) name, phone number, and e-mail address.

Qualifications for Group 2: Concession ~~Operations~~Services

1. Vendor(s) shall provide three (3) reference letters from government or commercial entities on the reference's company letterhead, signed to demonstrate that the Vendor is regularly engaged in the business of providing Concession Operations. The reference letters shall describe the Concession Operation provided by the Vendor(s) within the last two years, testify to the service/quality of the concession service and/or activities, and include the current phone number and email address of the reference. The County shall be able to ascertain from these references to its satisfaction that the Vendor has sufficient experience and expertise in providing ~~C~~oncession ~~O~~perations ~~and/or activities~~.
2. Vendor(s) must provide a list of staff that will be performing required services and provide proof of eligibility to work in the United States for each employee listed. Proof may be in the form of a voter's registration, immigration card, I-9 Form or other verifiable document.
3. Vendor(s) shall assign a competent company representative who can be contacted Monday through Friday from 8:00 a.m. to 5:00 p.m. (local time) for quotations. Vendor(s) are required to provide their representative(s) name, phone number, and e-mail address.

Vendor(s) shall provide all of the specified information, documents and attachments listed above with their Submittal as proof of compliance with the requirements of this RTQ. However, the County may, at its sole discretion and in its best interest, allow Vendors to complete, supplement or supply the required documents throughout the term of the RTQ. It shall be the sole right of the County to determine the number of Vendors which will be included in the Pool. During the term of the RTQ, the County reserves the right to add or delete Vendors as it deems necessary, and in its best interest.

2.5 SHANNON MELENDI ACT

~~—~~Pursuant to Miami-Dade County Ordinance No. 08-07 pertaining to Chapter 26, article III, of the Code, titled Recreation Department Rules and Regulations; all personnel (including volunteers) that ~~shall~~ operate on land provide services on PROS property must pass criminal background checks pursuant to Miami-Dade safety of the patrons of the facility(ies) by meeting the requirements of Chapter 26, Article III of the Miami-

Solicitation No. RTQ-01300

County Code entitled "The Shannon Melendi Act" for all owners, employees, and volunteers be in compliance start of employment or volunteerism.

2.6 **INSURANCE**

Insurance is not required in order to be prequalified under this RTQ. Insurance requirements will be detailed in the subsequent ITQ or WOPR.

2.7 **SPOT MARKET QUOTES**

Vendors in the Pool will be invited to participate in spot market competitions, as needed. The spot market competition will be in the form of an ITQ or WOPR that will include the specific goods and/or services required, and may include provisions, as applicable, such as:

- Small Business Measures
- Warranty Requirements
- Liquidated Damages
- Living Wage
- Bonding Requirements
- Responsible Wages
- Living Wages Community Workforce Program Goals
- Resident First
- Employ Miami-Dade County

For any FEMA reimbursable projects/programs, the below provisions will apply:

Compliance with Federal Requirements for FEMA Reimbursable Spot Market Competitions

All goods and/or services to be purchased as a result of any award under this solicitation shall be in accordance with all applicable governmental standards, including, but not limited to those issued by the Occupation Safety and Health Administration (OSHA), the National Institute of Safety Hazards (NIOSH), and the National Fire Protection Association (NFPA). It shall be the responsibility of Vendors to be regularly informed to conform to any changes in standards issued by any regulatory agencies that govern the commodities or services applicable to this solicitation, during the term of any contract resulting from this solicitation.

Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the County wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the County must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

Pursuant to 2 CFR, Part 200.318(i) (1), Internal Services Department – Strategic Procurement Division and client departments will maintain records sufficient to detail the history of partially or fully federally funded procurements. These records will include, but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Further, ISD-SPD and client departments will comply with all applicable requirements in 2 CFR, Part 200, 200.333-200.337 Records Retention and Access.

Pursuant to 2 CFR, Part 200.318(j) (1), the County may use a time and materials type contract for partially or fully federally funded acquisitions only after a determination has been made that no other contract type is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time and materials type contract

Solicitation No. RTQ-01300

means a contract whose cost to the County is the sum of: the actual cost of materials; and direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit. Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the County will assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls

Pursuant to C.F.R. 200.321 (g) Contracting with Small and Minority Business, Women's Business Enterprises, and Labor Surplus Area Firms, the County will take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) above.

When goods and/or services will be purchased, in part or in whole, with federal funding, and/or to meet Federal Emergency Management Agency's (FEMA) reimbursement, the Vendor hereby assures and certifies to the County that it will comply with:

- A. Section 60-250.4, Section 60-250.5 and Section 60-741.4 of Title 41 of the United States Code, which addresses Affirmative Action requirements for disabled workers, is incorporated into this solicitation and any resultant contract by reference.
- B. The Contract Work Hours and Safety Standards Act of 1962, 40 U.S.C. 327, et seq., requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work-week.
- C. The Federal Fair Labor Standards Act, 29 U.S.C. s. 201, et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week.
- D. The Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7671q and the Federal Water Pollution Control Act, 33 U.S.C. 1251-1387.
- E. The mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act, P.L. 94-163.
- F. Section 6002 of the Resource Conservation and Recovery Act (RCRA), as amended (42 U.S.C. 6962), including but not limited to the regulatory provisions of 40 CFR Part 247, and Executive Order 12873, as they apply to the procurement of the items designated in Subpart B of 40 CFR Part 247.
- G. The Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)— In accordance with 31 U.S.C. 1352, the Vendor must provide a certification to the Procuring Agency that the Vendor has not and will not use Federal appropriated funds to pay any person or organization to influence or attempt to influence an officer or employee of any Federal department or agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered

Solicitation No. RTQ-01300

by 31 U.S.C. 1352.) A bid, which does not include this certificate, may be considered non-responsive. Vendors that apply or bid for an award exceeding \$100,000 must file the Byrd Anti-Lobbying Amendment Certification Form.

- H. C.F.R. pt. 180 and 2 C.F.R. pt. 3000. The vendor shall verify that none of the vendor, its principals (defined at 2 C.F.R. § 180.995), or its affiliates (defined at 2 C.F.R. § 180.905) are excluded (defined at 2 C.F.R. § 180.940) or disqualified (defined at 2 C.F.R. § 180.935). By submitting the Suspension and Debarment Certification Form, the vendor certifies its compliance with this requirement.
- I. C.F.R. 200.321. If the Vendor is a prime contractor, and if subcontracts are to be let, the vendor will take the following affirmative steps:
- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
 - (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
 - (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
 - (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce;
- J. All other applicable requirements in 2 CFR, Part 200, 200.317-200.326 Procurement Standards.
- K. All applicable requirements in 2 CFR, Part 200, 200.333-200.337 Records Retention and Access.

Exemption to Certain Clauses

For all Federal spot market solicitations (including FEMA reimbursable solicitations), the following measures will NOT apply:

- Section 1 Paragraph 1.11; Local Preferences: Section 2-8.5 of the Miami-Dade County Code, which provides that preference shall be given to local businesses shall NOT apply.
- Section 1 Paragraph 1.36; County User Access Program (UAP) - The fee in the amount of two percent (2%) shall NOT apply.
- Section 1 Paragraph 1.44; Small Business Enterprises (SBE) Measure- shall NOT apply.
- Section 1 Paragraph 1.45; Local Certified serviced-Disable Veteran's Business Enterprise Preference - shall NOT apply.
- Section 1 Paragraph 1.47; First Source Hiring Referral Program ("FSHRP") - shall NOT apply.
- Section 1 Paragraph 1.2H; Prompt Payment Terms - Payment terms under Sections 2-8.1.1.1.1 or 2-8.1.1.1.2, respectively, that are a SBE contract set-aside, bid preference or contain a subcontractor goal, shall NOT apply.
- Section 1 Paragraph 28; Office of the Inspector General - Cost of random audits incorporated into the contract price of all contracts as one quarter (1/4) of one (1) percent of the contract price, shall NOT apply.

SECTION 3
SCOPE OF WORK

3.1 SCOPE OF WORK

Miami-Dade County shall pre-qualify Successful Bidders to participate in spot market purchases to provide recreational programming and concession operations. ~~Prequalified Vendor(s) will be expected to utilize the park facilities and provide services in a manner normally associated with general recreation/education adult and senior programs in compliance with Miami-Dade County Park and Recreation Department rules, Article 7 of the County Charter or applicable State or National rules. Prequalified Vendor(s) will be expected to utilize the facilities for general recreation/education, youth programs and adult and senior programs that will be open to the general public during designated hours; and to promote program activities. General recreation/education programs may be targeted toward all ages, including Judo, Karate, Tai Chi, Dance, Aerobics, Fitness Activities, Yoga, Drama, Improv, Music, Art, Ceramics, Photography, Cooking, Floral Arrangements and other activities which may be proposed.~~

Group 1 – Recreational Programming

The Successful Bidder shall provide ~~R~~recreational ~~P~~programming including: ~~g. but not limited to: including Judo, Karate, Tai Chi, Dance, Aerobics, Fitness Activities, Yoga, Drama, Improv, Music, Art, Ceramics, Photography, Cooking, Floral Arrangements and other activities~~ which may be proposed.

Group 2 – Concession Services and Activities

The Successful Bidder shall provide concession operations including: mobile vending carts, food trucks, concession stands, petting zoos, pony rides, paddle boat rentals, and other activities which may be proposed.

PROS reserve the right to include/exclude any concession service at the facility. Further, PROS reserves the right to schedule special events that may preclude the selected Bidder(s) from operating in the facilities or a portion thereof. PROS will notify the awarded Bidder, in a written form, of these special events, no later than fourteen (14) calendar days prior to the scheduled special event.

3.2 AWARDED BIDDER'S RESPONSIBILITY

Bidders must have knowledge and experience in the various types of recreational activities, concession operations, and related activities offered under both groups; knowledge of the legal requirements that are involved in these types of operations; and the financial strength to conduct the agreed upon services. The awarded Bidder(s) shall provide services related to recreational programming and concession operation, as follows:

- A. Furnish prompt and efficient service, adequate to meet all reasonable demands, including maintaining the minimum schedule and hours of operation for activities, subject to the approval of PROS management.
- B. Provide an operation that will be safe, customer-oriented with prompt service, documented complaint resolution, effective volunteer and coaching performance and training, and timely initiation and completion of all work.
- C. Provide proper management of facilities and use the same in a careful manner. Any damages made to County property and facilities by its operations are borne by the Bidder.

Solicitation No. RTQ-01300

- D. Provide all materials, equipment and supplies necessary to provide activities/services/concessions under the terms of the requested spot market quotation.
- E. Ensure that all management, staff, and volunteers wear picture identification at all times while on County property and when in direct contact with the public. The cost shall be borne by the Bidder.
- F. Be responsible for the security of the selected Bidder's own equipment and supplies, PROS does not accept responsibility for these items.
- G. Be responsible for utilities and custodial services unless otherwise stipulated.
- H. Be responsible for all expenses associated with the activities/services provided.
- I. For concession operations that provide food and beverages to patrons, offer healthy options for each and shall utilize United States Environmental Protection Agency (EPA) approved cups and food containers. The awarded Bidder shall provide for recycling of comingled glass, plastic and aluminum products.

3.3 PROGRAM EVALUATIONS

The Selected Vendor will be subject to an ongoing evaluation program to insure compliance with the intent of this Agreement throughout the entire contract term. The types of evaluations are listed below:

- Patron satisfactory survey report
- Evaluation conducted by Parks Management
- Non-Performance – throughout the agreement

At each step, the selected vendor(s) will have 14 business days to respond in writing to the request for improvement. A copy of the evaluation form that will be used for this purpose is available upon request.

furnish, install, repair, maintain, retrofit and/or replace canopy systems.

License Information

(Section 2.4.4 Group B: ~~Repair-Replace-Install-Canopies~~)

~~Please indicate which one of the following licenses your company holds:~~

~~_____ Miami Dade County Canvas Awning Contractor;~~

~~_____ Metal Awning and Storm Shutters Contractor;~~

~~_____ Miscellaneous Metals Contractor;~~

~~_____ General Contractor;~~

~~_____ Building Contractor;~~

~~_____ State of Florida Specialty Structure;~~

~~_____ General Contractor or Building Contractor.~~

~~A copy of the license(s) shall be provided with the Bidder's submittal form.~~