

REQUEST FOR PROPOSAL

Operation of Central Park Concession Stand

The City of Ashland is seeking proposals for the lease and operation of the concession stand located in the center of Central Park. The purpose of this Request for Proposal (RFP) is to provide operators with an opportunity to prepare and submit a proposal to develop and operate the concession stand under a lease agreement.

Questions may be addressed to the Community and Economic Development Department at the address and phone number listed below. Proposals must be received by 4:00 pm on **Tuesday, December 4, 2018** at the following address:

City of Ashland
Community and Economic Development Department
Attn: Katherine Utsinger
1700 Greenup Avenue
P.O. Box 1839
Ashland, KY 41101
606-327-2005

I. RFP TERMS AND CONDITIONS

- a. This RFP does not commit the City to award a contract. No other party, including any proposer, is intended to be granted any rights hereunder. Proposals which, in the sole discretion of the City, do not meet the minimum requirements, including without limitation the minimum proposal submission requirements, will not be reviewed. This RFP and the process it describes are proprietary to the City and are for the sole and exclusive benefit of the City. Any response, including written documents and verbal communication by any proposer to this RFP, will become the property of the City and if required by law may be subject to public disclosure by the City or any authorize agent of the City. The City is not liable for any costs associated with the development, preparation, transmittal or presentation of any proposal or material(s) submitted in response to this RFP.
- b. It shall be the proposer's responsibility to review and verify the completeness of its proposal. The City may request additional or clarifying information or more detailed information from any proposer at any time, including information inadvertently omitted by a proposer. The City may request to inspect properties or contact clients referenced in the proposal. The City also reserves the right to conduct investigations with respect to the qualifications of a proposer.
- c. Verbal communication made by any City employee or agent of the City with respect to this RFP is not binding and shall not in any way be considered as a commitment by the City. Only written responses to questions submitted in writing to the City or written addenda to this RFP issued by the City will be considered binding on the City.
- d. City employees and officials are prohibited from responding to this RFP or being a party, direct or indirect, to any contract resulting from the RFP and no proposal shall be accepted from, or contract awarded to, any City employee or official who submits a proposal or solicits any contract in which he or she may have any direct or indirect interest. No proposer may be a proposer to more than one proposal submitted pursuant to this RFP. Entities that are legally related to each other or to a common entity may not submit separate proposals. Any proposal may be rejected that, in the City's sole judgment, violates these conditions or spirit of these conditions.
- e. The City reserves and may exercise the following rights and options with respect to evaluation of proposals and selection for negotiation:
 - To reject any and all proposals and re-issue the RFP at any time prior to execution of a final contract if, in the City's sole discretion, it is in the City's best interest to do so;

- To supplement, amend, substitute or otherwise modify this RFP at any time prior to selection of one or more respondents for negotiation and to cancel this RFP with or without issuing another RFP;
 - To accept or reject any or all of the items in any proposal and award the contract in whole or in part if it is deemed in the City's best interest to do so;
 - To reject the proposal that, in the City's sole judgment, has been delinquent or unfaithful in the performance of any contract with the City or another government entity, is financially or technically incapable or is otherwise not a responsible proposer;
 - To reject as informal or non-responsive any proposal which, in the City's sole judgment, is incomplete, is not in conformity with applicable law, is conditioned in any way, deviates from this RFP or contains erasures, ambiguities, alterations, or items of work not called for by this RFP;
 - To waive any informality, defect, non-responsiveness and/or deviation from this RFP that is not, in the City's sole judgment, material to the proposal;
 - To permit or reject, at the City's sole discretion, amendments (including information inadvertently omitted), modifications, alterations and/or corrections of proposals by some or all of the respondents following proposal submissions;
 - To request that some or all of the proposers modify proposals based upon evaluation of the City.
- f. The City may enter into negotiations for a contract, on terms and conditions satisfactory to the City with one or more selected proposer(s). However, the City reserves the right to terminate any negotiations at any time or conduct simultaneous, competitive negotiations with multiple proposers. The City reserves the right to negotiate acceptable terms in an otherwise unacceptable proposal. Such negotiations may result in changes in terms material to this RFP; in such an event, the City shall not be obligated to inform other proposers of the changes, or permit them to revise their proposals accordingly, unless the City, in its sole discretion, determines that doing so and permitting such is in the City's best interest. Should negotiations not prove satisfactory with the selected proposer(s), the City reserves the right to discontinue negotiations. Additional firms may be asked to enter into negotiations, and/or the City may solicit new proposals.

II. BACKGROUND

Central Park consists of 47 acres and is located between 17th and 22nd Streets and Central and Lexington Avenues. It is an active park with thousands of visitors each year. Visitors are able to enjoy the use of 3 tennis courts, 6 pickle ball courts, 2 basketball courts, and 2 sand volleyball courts, as well as several playgrounds, walking trails, and a pond. The two baseball fields are home to area youth baseball leagues that play several games throughout the spring and summer months. The park is also host to several events and activities throughout the year. Central Park is open daily from 7:00 am to 11:00 pm.

The space available for lease is a 663 square foot building with space available for food preparation and storage. There is picnic table seating available under a canopy outside with additional uncovered space available. There are public restrooms available a short distance from the building.

III. SCOPE OF SERVICES

- a. **Scope of Operations:** The selected proposer is expected to serve quality items to meet the needs of the visiting public. There is no minimum required menu, however the proposal will be evaluated on the proposed menu selection and pricing structure. The concession stand does not have a grease trap or vent hood. If the proposed menu options require the use of a grease trap and/or vent hood, the selected proposer may be required to have these items installed. The sale of alcoholic beverages and tobacco is strictly prohibited.
- b. **Lease Term:** The term of the initial lease will be one year. After completion of the initial lease, the selected proposer may elect to renew the lease on a per year or multiyear basis, at the sole discretion of the City. The proposal will be evaluated on the amount of rent the proposer proposes to pay to the City to lease the concession stand. The City may elect to increase the accepted rent for any subsequent lease renewals.

- c. **Utilities:** The City of Ashland shall be responsible for all utilities.
- d. **Operating Hours:** Hours of operation are at the discretion of the selected proposer and may vary based upon seasons and weather. At a minimum, the concession will be expected to be open at least five days a week during the months of April through October.
- e. **Food Storage, Preparation, and Service:** The selected proposer shall be responsible for the procurement, preparation and service of all food and beverages. The proposer shall procure and pay for all food, food supplies, service supplies, and related products used at the site. Proposer will be required to procure, maintain and operate all food preparation appliances, equipment and utensils and refrigerated storage appliances.
- f. **Sanitation and Cleanliness:** The selected proposer shall at all times maintain compliance with all applicable federal, state and local laws, ordinances and administrative regulations concerning food and beverage preparation, storage, purity, quality, service and premises sanitation. The selected proposer shall be responsible for obtaining all necessary licenses, permits, and health inspections pertaining to sanitation. Selected proposer shall maintain the highest standards of cleanliness through such actions as regularly cleaning food preparation counters, floors/mats, and regularly removing and disposing of all garbage collected in the food service area.
- g. **Hiring and Employment:** The selected proposer will be responsible for hiring the necessary personnel to conduct the daily operation of the concession. The proposer shall not, in the operation of the Central Park concession stand, discriminate against any group of persons. The proposer must comply with all of the rules, regulations, statutes, etc., related to fair hiring and employment practices.
- h. **Compliance with Federal, State and Local Regulations:** The selected proposer shall comply with all federal, state and local regulations, including but not limited to wages, taxes, social security, worker's compensation, non-discrimination, licenses, registration and safety requirements. Failure or neglect on the part of the selected proposer to comply with any or all such regulations shall not relieve the selected proposer of these obligations.
- i. **Liability and Insurance:** The selected proposer must submit proof of liability insurance of not less than \$1,000,000 and obtain an endorsement naming the City of Ashland as additional insured under such policy. The selected proposer shall defend, save, and hold harmless the City, the City's officers, agents and employees, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the selected proposer or its agents or employees.
- j. **Use of Area:** The selected proposer shall make no unlawful or offensive use of the concessions area and will maintain and preserve the area in as good order and condition, reasonable wear and tear expected, as when the contract was signed.

IV. PROPOSAL PROCESS

Respondents may submit any information they deem necessary and appropriate for the City to fully and completely evaluate their qualifications. The proposal must, at a minimum, include the following general information.

- **Business Plan:** Proposer must state proposer's plan to set up, operate, and maintain a quality service for park patrons. Proposer must state expected costs and revenues, to include equipment, supplies, inventory, insurance and labor, and expected sales volume. Proposer must describe how proposer will provide adequate staff, with appropriate training and skills needed for food preparation and serving to the public.
- **Qualifications and Experience:** Proposer must provide a description of the proposer's relative experience in operating a concession or other similar business enterprise.
- **Sample Menu:** Proposer must provide a sample menu showing typical products and pricing.

- **References:** Proposer must provide at least three references that have knowledge of the proposer's ability to successfully operate and maintain a high-quality concession.
- **Lease Payment:** Proposer must provide the amount of rent they propose to pay the City to lease the property.

Proposals should be prepared simply, providing a straightforward, concise description of the proposer's ability to satisfy the requirements of the RFP.

V. PROPOSAL SELECTION AND EVALUATION CRITERIA

a. Selection Process

A RFP Selection Committee will evaluate the proposals on how fully each proposal meets the requirements of the RFP. Personal interviews may be conducted following committee review of submitted proposals. The evaluation process will identify the proposer who, in the City's sole discretion, best meets the City's needs and objectives.

The intent of the City is to select one proposal that is determined to be the most advantageous to the City based on the evaluation criteria. The City is seeking and will select the proposal that best demonstrates the ability to provide innovative, affordable and reliable services to park patrons while paying a reasonable lease payment to the City.

b. Evaluation Criteria

Proposals will be evaluated on a 100-point scale according to the following categories and weighting:

- Business plan – 40 points
- Qualifications – 20 points
- Menu quality, variety and pricing – 20 points
- Proposed lease payment – 20 points

c. Estimated Timeline

RFP Published	November 13 & 15, 2018
RFP Closing Date	December 4, 2018
Proposal review period/negotiations	December 5 – 28, 2018

Any proposer wishing to tour the building prior to the RFP closing date may contact the Community and Economic Development Department at 606-327-2005 to make an appointment.

The selected proposer will be required to execute an agreement with the City which is subject to formal approval through two readings by the City of Ashland Board of Commissioners, expected to occur on January 10 & 24, 2019.