



AVIATION DEPARTMENT - Fort Lauderdale/Hollywood International Airport
2200 SW 45th Street, Suite 101 • Dania Beach, Florida 33312 • 954-359-6100

ATTENTION

Dear Proposer:

Thank you for your interest in doing business with Broward County at Fort Lauderdale-Hollywood International Airport. We look forward to a very successful procurement process.

Please take notice of the response submittal requirements outlined in this solicitation. Read and carefully follow the instructions as any misinterpretation or failure to comply with the instructions could lead to your submittal being rejected.

Any change(s) to this solicitation will be conveyed through the written addendum process. Notifications of addenda are sent electronically to vendors registered under the applicable commodity codes at the time the original solicitation was created. In addition, all addenda are posted on the Aviation Division's website, which can be accessed by selecting Current Solicitations under the Business Tab or <http://www.broward.org/Airport/Business/Pages/Solictations.aspx>. Carefully read and follow all instructions provided on the addenda, as well as the instructions provided in the original solicitation. **It is the responsibility of all potential Proposers to monitor the Fort Lauderdale-Hollywood International Airport website for any changing information prior to submitting their proposal.**

It is the intent of the Broward County Aviation Department and the Purchasing Division to provide quality services. If you have any questions, please visit our website to view the information provided on "How to Do Business with Broward County- A Vendor's Guide," or feel free to e-mail the Project Manager, Tony Murico, Broward County Aviation Department, at amurico@broward.org. Again, thank you for your continued interest in doing business with Broward County at Fort Lauderdale-Hollywood International Airport.

Sincerely,

Mark E. Gale, A.A.E.
CEO/Director of Aviation

Broward County Aviation Department

2200 SW 45th Street, Suite 101
Dania Beach, FL 33312
(954) 359-6100 FAX (954) 359-1331

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**INSTRUCTIONS TO PROPOSERS FOR THE
ON-AIRPORT RENTAL CAR CONCESSION AT
FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT -
REQUEST FOR PROPOSALS -
RFP #20180430-0-AV-01-
Package C and Package D**

Firms interested in submitting proposals for the above Request for Proposals (“RFP”) have the option of submitting proposals for **any one or both** of Packages C and D, subject to the requirements stated herein. Packages C and D are more fully detailed in Attachment B.

Submittals for Package C (up to 2 slots available; C1 or C2): Firms interested in operating an on-airport rental car concession under Concession Space Package C shall follow the instructions and selection criteria found in Package C.

Submittals for Package D (up to 2 slots available; D1 or D2): Firms interested in operating an on-airport rental car concession under Concession Space Package D shall follow the instructions and selection criteria found in Package D.

The consideration of any award for a package shall be based only on the proposals submitted for such package. Therefore, as an example, to be eligible for award for one of the slots for Package C (C1 or C2), the proposer must submit a proposal for Package C, and to be eligible for award for one of the slots for Package D (D1 or D2), the proposer must submit a proposal for Package D.

The packages will be awarded in alphabetical order (the slots in Package C first and then the slots in Package D), and only one package slot will be awarded per proposer. Therefore, once a proposer is awarded a package slot, additional submittals from that proposer, if any, will not be given further consideration for a subsequent package.



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**ON-AIRPORT RENTAL CAR CONCESSION AT THE
FORT LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT -
REQUEST FOR PROPOSALS -
RFP #20180430-0-AV-01 -
Package C and Package D**

Procurement Authority

Unchecked boxes do not apply to this solicitation.

Pursuant to the Broward County Administrative Code and Concession Policy, the Broward County Commission invites qualified firms to submit proposals for consideration to provide services on the following project:

Request for Proposals for a Non-Exclusive On-Airport Rental Car Concession

Introduction

Broward County (the "County") is seeking competitive proposals from qualified firms for the operation of various non-exclusive, on-airport automobile rental concessions (collectively, the "Concessions," and individually, a "Concession"), in accordance with the terms outlined herein. Successful proposers will operate from the Rental Car Center ("RCC") at Fort Lauderdale-Hollywood International Airport (the "Airport").

This document contains information and materials necessary for a proposer to submit a proposal for a Concession. All capitalized terms not otherwise defined herein shall have the same meaning set forth in the form Rental Car Concession Lease and Operating Agreement Agreement referenced in this RFP (the "Agreement").

The County is offering Concession Space Packages C and D within the RCC (collectively, the "Concession Space Packages," and individually, a "Concession Space Package"), as depicted on Attachment B. Each Concession Space Package consists of: (a) rental counters, customer queuing space, and administrative office space in the Customer Service Area; (b) ready/return vehicle parking spaces in the Ready/Return Areas on Levels 2, 3, and 4; (c) vehicle stacking and staging spaces, fueling positions, and vehicle wash bays, in the QuickTurnaround Area ("QTA") on Level 1; and (d) Overflow Vehicle Storage Areas on Level 5. Proposers awarded space within Concession Space Packages C and D, may be required to jointly use Ready/Return Areas, QTA Areas, and Overflow Vehicle Storage Areas.

Successful proposers will be required to accept their awarded concession spaces in "as is" condition, with absolutely no warranties as to condition or suitability for use being given by the County. All improvements to its awarded concession space made by a successful proposer, unless otherwise specified by the County, shall be made and maintained by the successful proposer at the successful proposer's sole cost and expense.

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Each proposer shall designate, in its proposal form, the brand or trade name(s) under which it proposes to operate at the Airport. All brand or trade names designated in a proposer's proposal form must be owned or controlled by the proposer or be licensed to the proposer for its use. Unless otherwise permitted by the County, a successful proposer will be prohibited from operating at the Airport under any brand or trade name(s) other than the brand or trade name(s) designated on its proposal form.

Due to limited available space in the RCC, the County may award up to two (2) agreements for Concession Space Package C (C1 and C2) and up to two (2) agreements for Concession Space Package D (D1 and D2), as further stated herein.

Each proposer must bid a Minimum Annual Guarantee ("MAG") for Agreement Year 1. A minimum acceptable MAG bid amount is assigned to each Concession Space Package, as set forth below. The minimum acceptable MAG proposal the County will consider for each space within each Concession Space Package shall be no less than the following:

Concession Space Package C (up to 2 available; C1 and C2): \$1.1 million per slot
Concession Space Package D (up to 2 available; D1 and D2): no minimum

Eligible Proposers

Related companies may only submit one proposal per package. Related companies are those entities that are directly or indirectly owned or controlled by, or under common ownership or control with, one another.

Enterprise Holdings, Inc. d/b/a Enterprise Rent-A-Car, National Car Rental, and Alamo Rent a Car; The Hertz Corporation d/b/a Hertz Rent a Car, Thrifty Car Rental, and Dollar Rent A Car; and Avis Budget Group d/b/a Avis Rent a Car, Budget Rent A Car, and Payless Car Rental are in negotiations with the County for space under Packages A and B and may not bid for space in Packages C or D unless and until the Director of Aviation states in writing that such negotiations have impassed.

Scope of Services

Successful proposers will have the right, privilege, and obligation to conduct and operate a high-quality, well-managed rental car concession from its space, which shall be limited to the renting of passenger car vehicles to Airport Customers, including the sale of any insurance or fuel related thereto, and the providing of any other incidental services, items, and equipment reasonably associated therewith. The terms "passenger car," "car," "vehicle," and similar terms do not include buses, commercial vehicles, or similar vehicles. Successful proposers may not use their space for any purpose other than as expressly provided in the Agreement.

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Term

The term of the agreements awarded by the County for the Concessions shall be for ten (10) years unless otherwise extended or terminated as provided in such agreements.

Minimum Annual Privilege Fee, Percentage Fees, Annual Rental Fees, and Customer Facility Charges

a. Minimum Annual Privilege Fee

For the privilege of operating a non-exclusive, on-airport rental car concession at the Airport, successful proposers agree to pay to the Privilege Fees outlined in the Agreement. The MAG for Agreement Year 1 shall be the MAG contained in the successful proposer's proposal.

b. Facility Rent

For the privilege of operating a non-exclusive, on-airport rental car concession at the Airport, successful proposers agree to pay to the Facility Rent outlined in the Agreement.

c. Customer Facilities Charge

For the privilege of operating a non-exclusive, on-airport rental car concession at the Airport, successful proposers agree to pay the Customer Facility Charges outlined in the Agreement.

d. Utility Charges

Successful proposers shall pay the utility charges outlined in the Agreement.

Concession Space Package Selection

The eligible successful proposer with the highest point total for Concession Space Package C will be allowed to select one of the two locations (C1 or C2) for Concession Space Package C depicted on Attachment B; the next highest eligible successful proposer will accept the remaining Concession Space Package C. If there is only one or fewer eligible successful proposers for Concession Space Package C, the County reserves the right to rebid the remaining space in Concession Space Package C or reallocate the remaining Concession Space Package C amongst the other concessionaires at the RCC.

The eligible successful proposer with the highest point total for Concession Space Package D will be allowed to select one of the two locations (D1 or D2) for Concession Space Package D depicted on Attachment B; the next highest eligible successful proposer will accept the remaining Concession Space Package D. If there is only one or fewer eligible successful proposers for Concession Space Package D, the County reserves the right to rebid the remaining space in Concession Space Package D or reallocate the remaining Concession Space Package D amongst the other concessionaires at the RCC.

An unsuccessful proposer for any Concession Space Package will not be considered for a Concession in any other Concession Space Package unless such proposer submits a proposal for such other Concession Space Package.

The packages will be awarded in alphabetical order (the slots in Package C first and then the slots in Package D), and only one package slot will be awarded per proposer. Therefore, once

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a proposer is awarded a package slot, additional submittals from that proposer, if any, will not be given further consideration for a subsequent package slot.

The successful proposers will be recommended to the Board for the award of a non-exclusive, on-airport rental car concession, provided all other terms and conditions contained in this RFP are satisfied

Airport Concession Disadvantaged Business Enterprise Plan

In addition to submitting an Airport Concession Disadvantaged Business Enterprise (ACDBE) participation plan as part of its proposal, successful proposers shall comply with the requirements of the ACDBE Program and acquire all necessary permits and licensing. Successful proposers will also be responsible for quarterly reporting of ACDBE participation to the County on a form to be supplied by the County's Office of Economic and Small Business Development.

Airport Information

The Aviation Department is a self-supporting department of the Broward County Board of County Commissioners. It does not rely on local tax dollars for operations and capital improvements. FLL is located in Greater Fort Lauderdale in the heart of Florida's Gold Coast. The Airport is ranked 19th in the United States in total passenger traffic and 14th in domestic origin and destination passengers. With more than 700 flights a day, the Airport offers nonstop service to more than 75 US cities and global connectivity to more than 60 international destinations in 33 countries. The Aviation Department also operates the North Perry Airport, a general aviation airport for private and charter aircraft operators. Call 954-359-6100 for more information. For updates on airport programs and services, follow us on [Twitter](#), like us on [Facebook](#) or visit [fll.net](#).

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Broward County Aviation Department

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Submittal Instructions

This solicitation is open to the general marketplace.

Interested firms may supply requested information in the "Evaluation Criteria" section by typing right into the document using Microsoft Word. Firms may also prepare responses and any requested ancillary forms using other means, but following the same order as presented herein. In submitting a response to this solicitation, the proposer shall be the entity that will be entering in to an agreement with Broward County to provide the services identified above for this project. Proposer may consist of any formal business entity authorized to do business in the State of Florida (i.e., Partnership, Corporation, Joint Venture, Sole Proprietorship, etc.).

Submit six [6] CDs containing the following files:

CD or DVD discs included in the submittal **must be finalized or closed** so that no changes can be made to the contents of the discs.

IT IS IMPORTANT THAT EACH CD BE LABELED WITH THE COMPANY NAME, RFP NUMBER AND TITLE, AND THEN PLACED IN AN INDIVIDUAL DISC ENVELOPE.

1. A single PDF file that contains your entire response with each page of the response in the order as presented in the RFP document, including any attachments.
2. Responses to the Evaluation Criteria questions are to be provided in the following formats:
 - a. Microsoft Word for any typed responses.
 - b. Microsoft Excel for any spreadsheets
 - c. Pictures, drawings and illustrations in portable document format (.pdf).

Additionally, submit one (1) original hard copy of your response (with all original required signatures, marked as "ORIGINAL" on the front cover), as well as five (5) printed copies of your response. The response to the RFP should be sealed listing the following information: (NOTE: You must indicate which package or packages you are submitting a proposal for just below the RFP #)

**REQUEST FOR PROPOSALS
RFP #20180430-0-AV-01
Package C AND/OR Package D
NON-EXCLUSIVE ON-AIRPORT RENTAL CAR CONCESSION AT FORT
LAUDERDALE-HOLLYWOOD INTERNATIONAL AIRPORT**

It is the responsibility of each firm to assure that the information submitted in both its written response and CDs are consistent and accurate. If there is a discrepancy, the information provided in the written response shall govern.

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Send all requested materials to:

Broward County Aviation Department
2200 SW 45th Street, Suite 101
Dania Beach, FL 33312
ATTN: Tony Murico

Broward County Aviation Department (the Aviation Department) must receive submittals no later than **Friday, January 11, 2019, at 4:30pm**. The Aviation Department will not accept electronically transmitted, late, or misdirected submittals. If fewer than 3 interested firms respond to any package in this solicitation, the Director of Aviation may extend the deadline for response submittals by up to four (4) weeks. Submittals will only be opened following the final submittal due date.

Pre-Response Conference

A **Pre-Response Conference**, which will include a tour of the operating areas, will be held at Airport Commerce Park (ACP), 4101 Ravenswood Road, Suite 401, Dania Beach, FL 33312, on **Wednesday, December 5 2018, from 1:30pm-3:30pm**. Attendance at the pre-response conference is strongly recommended to allow proposers the opportunity to clarify any concerns they may have regarding the solicitation.

Inquiry Period

Wednesday, November 14, 2018, through Friday, January 4, 2019, at 4:30pm. All inquiries regarding this RFP shall be made in writing during the inquiry period, either through mail or e-mail. Oral or telephonic inquiries will not be responded to, except for requests for ADA accommodations, as discussed below. Following the end of the inquiry period, one or more addenda will be issued to respond to all substantive inquiries. No individual responses to inquiries will be provided.

FOR ADDITIONAL PROJECT INFORMATION CONTACT:

Project Manager: Tony Murico, Aviation Business Manager
Broward County Aviation Department
Address: 2200 SW 45th Street, Suite 101
Dania Beach, FL 33312
E-mail: amurico@broward.org

Copies of the RFP may be obtained from the Aviation Department at the above address. This RFP is also available for downloading from the Internet at <http://www.broward.org/Airport/Business/Pages/Solicitations.aspx>

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in any proceeding concerning this RFP because of that disability shall contact Mr. Tony Murico not later than five (5) days prior to the proceeding. Mr. Murico may be contacted at the Aviation Department, 2200 SW 45th Street, Suite 101, Dania Beach, FL 33312, telephone number (954) 359-2330; (954) 831-3940 via Florida Relay Service for TTY Service.

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Evaluation Process

An Evaluation Committee (EC) will be responsible for recommending the most qualified firm(s). The process for this procurement may proceed in the following manner:

Review Responses

After the closing date of the RFP, the Aviation Department's technical staff will review and summarize the responses for the EC. Technical staff will have only such authority as may be delegated by the EC or the Board. Without such delegated authority, technical staff serves purely in an information gathering capacity and prepares a matrix of responses submitted by the firms. The matrix contains the minimum requirements and the items described in the Evaluation Criteria section of this RFP. It also contains the results of staff research and reviews of responses and proposers. The matrix is a tool that the EC may use in its decision-making process.

Staff will also identify any incomplete responses. The Project Manager will review the information provided in the matrix and will make a recommendation to the Evaluation Committee as to each firm's responsiveness to the requirements of the RFP. The final determination of responsiveness rests solely on the decision of the Evaluation Committee.

At any time prior to award, the awarding authority may find that a proposer is not responsible to receive a particular award. The awarding authority may consider the following factors, without limitation: debarment or removal from the authorized vendors list or a final decree, declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the offeror has breached or failed to perform a contract, claims history of the offeror, performance history on a County contract(s), an unresolved concern, or any other cause under this code and Florida law for evaluating the responsibility of a proposer.

Short-Listing

The EC will meet to create a short-list of the most qualified firms. The matrix and staff analysis report is a tool that the EC may use in its decision-making process. The County will not consider oral or written communications, prior to the conclusion of short-listing the firms, which may vary the terms of the submittals. The EC will present to the selected proposer a standard agreement or make other changes to the standard agreement. The Agreement will be subject to approval by the Broward County Board of County Commissioners (Commission).

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Evaluation and Selection Criteria

The County will evaluate and rank those entities otherwise deemed Responsive and Responsible based upon the following criteria.

The following list of Evaluation Criteria totals 100 points. Subsequent pages will further detail and define the Evaluation Criteria, which are summarized with their numerical point ranges.

Selection Criteria	Maximum Number of Points
<p>1) Minimum Annual Guarantee (MAG): The minimum amount of money due annually to the County from Concessionaire.</p> <p>Instruction: The proposal with the highest MAG bid will be awarded the full 80 points. In the event of a tie for the highest MAG bid, both companies shall be awarded 80 points. All remaining proposals shall be scored on a basis relative to the proposal with the highest MAG bid. Each proposer's MAG bid will be divided by the highest MAG bid and then multiplied by 80 points to calculate the score. For example, two proposals are received and the following MAG bids are proposed: \$1,000,000 and \$900,000. The highest MAG bid (\$1,000,000) would be awarded 80 points. The number of points awarded to the second proposal would be determined as follows: $(\\$900,000/\\$1,000,000) \times 80 = 72$ points. Any calculated score with a fractional result will be rounded to the nearest whole point.</p>	80
<p>2) Operational Approach:</p> <ul style="list-style-type: none"> a) Describe your organization's office and corporate customer service program in processing passenger questions, complaints, and other input. b) Describe your organization's approach to maximizing operational and budgetary efficiency. c) Describe what technologies your organization plans to employ in the operation of this contract. Specify how such technologies will be utilized and how they will benefit the operations. 	10
<p>3) Safety Program:</p> <ul style="list-style-type: none"> a) Describe your organization's program for safety training, monitoring performance, and employee follow-up (recognition or disciplinary action) b) Describe the key program reports and other management procedures planned to ensure integrity of the safety program. 	5
<p>4) Experience of Key Personnel:</p> <ul style="list-style-type: none"> a) Provide a brief resume of support employees who will furnish professional and or technical support services on this contract. This should include, but not be limited to, the following: (i) their functions in the company; (ii) their title and number of years of service with the company; and (iii) their years of experience in the maintenance of comparably complex facilities and systems. b) Provide a FLL project specific, detailed organizational chart identifying key personnel and job descriptions. 	5
TOTAL NUMBER OF POINTS	100

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Cone of Silence

At the time of the Evaluation Committee appointment (which is typically prior to the advertisement of the solicitation document) in this RFP process, a Cone of Silence will be imposed. Section 1-266, Broward County Code of Ordinances, as revised, provides that after Evaluation Committee appointment, potential vendors and their representatives are substantially restricted from communicating regarding this RFP with the County Administrator, Deputy and Assistants to the County Administrator and their respective support staff, or any person appointed to evaluate or recommend selection in this RFP process. For communication with County Commissioners and Commission staff, the Cone of Silence allows communication until the Initial Evaluation Committee Meeting. After the application of the Cone of Silence, inquiries regarding this RFP should be directed to the Project Manager.

The Cone of Silence terminates when the County Commission or other awarding authority takes action which ends the solicitation.

Ranking

The EC shall report the ranking to the County Administrator, who will advise the members of the Board in writing of the ranking, in order of preference, on which the award will be based.

Criteria for Breaking Ties

In the event of a deadlock amongst the members of the EC in the ranking of the proposers, the following tie-breaker criteria will be used to break the tie:

1. A re-vote of only the tied proposers by the EC.
2. Preference to proposer receiving a majority of the total first-place votes on the re-vote by the EC. First place votes are determined by the highest score given by each EC member so, by way of example, if two EC members give the highest score to Company A (two first place votes) and one EC member gives the highest score to Company B (one first place vote), Company A would be the winner based on this tie-breaker criteria.
3. If items 1-2 do not break the tie vote, the proposer shall be selected by the Board of County Commissioners.

Negotiation and Award

If the Board does not object to the ranking results, the EC, or if delegated authority by the EC, staff will attempt to negotiate a contract with the first ranked firm. If an impasse occurs, the County ceases negotiation with the firm and begins negotiations with the next-ranked firm. The final negotiated contract will be forwarded by the staff to the Board for approval.

Posting of Solicitation and Proposed Contract Awards

The Broward County Aviation Department's website is the location for the County's posting of all FLL solicitations and contract award results. It is the obligation of each Proposer to monitor the website in order to obtain complete and timely information.

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Proposer Protest

Sections 21.118 and 21.120 of the Broward County Procurement Code set forth procedural requirements that apply if a Proposer intends to protest a solicitation or proposed award of a contract and state in part the following:

- (a) Any protest concerning the proposal or other solicitation specifications or requirements must be made and received by the County within seven (7) business days from the posting of the solicitation or addendum on the Aviation Department's website. Such protest must be made in writing to the Director of Purchasing. Failure to timely protest RFP specifications or requirements is a waiver of the ability to protest the specifications or requirements.
- (b) Any protest concerning a solicitation or proposed award above the award authority of the Director of Purchasing, after the proposal opening, shall be submitted in writing and received by the County within five (5) business days from the posting of the recommendation of award.
- (c) Any actual or prospective Proposer who has a substantial interest in and is aggrieved in connection with the proposed award of a contract which does not exceed the amount of the award authority of the Director of Purchasing, may protest to the Director of Purchasing. The protest shall be submitted in writing and received within three (3) business days from the posting of the recommendation of award.
- (d) For purposes of this section, a business day is defined as Monday through Friday between 8:30 a.m. and 5:0 p.m. Failure to timely file a protest within the time prescribed for a solicitation or proposed contract award shall be a waiver of the Proposer's right to protest.
- (e) Protests arising from the decisions and votes of a Selection Committee or Evaluation Committee shall be limited to protests based upon the alleged deviations from established Committee procedures set forth in the Broward County Procurement Code and existing written Guidelines. Any allegations of misconduct or misrepresentation on the part of a competing Proposer shall not be considered a protest.
- (f) As a condition of initiating any RFP protest, the protestor shall present the Director of Purchasing a nonrefundable filing fee in accordance with the table below.

Estimated Contract Amount	Filing Fee
\$30,000 - \$250,000	\$ 500
\$250,001 - \$500,000	\$1,000
\$500,001 - \$5 million	\$3,000
Over \$5 million	\$5,000

If no contract proposal amount was submitted, the estimated contract amount shall be the County's estimated contract price for the project. The County may accept cash, money order, certified check, or cashier's check, payable to Broward County Board of Commissioners.

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Rejection of Responses

The EC may choose at any time prior to award to recommend to the Board that this procurement be cancelled and that all proposals be rejected. Such determination may be made for any reason.

Public Records and Exemptions

Broward County is a public agency subject to Chapter 119, Florida Statutes. As required by Chapter 119, Florida Statutes, the contractor and all subcontractors for services shall comply with Florida's Public Records Law. To the extent contractor is acting on behalf of the COUNTY pursuant to Section 119.0701, Florida Statutes, the contractor and its subcontractors shall:

1. Keep and maintain public records that ordinarily and necessarily would be required by the County in order to perform the service;
2. Provide the public with access to such public records on the same terms and conditions that the County would provide the records and at a cost that does not exceed that provided in Chapter 119, Fla. Stat., or as otherwise provided by law;
3. Ensure that public records that are exempt or that are confidential and exempt from public record requirements are not disclosed except as authorized by law; and
4. Meet all requirements for retaining public records and transfer to the County, at no cost, all public records in possession of the contractor upon termination of the contract and destroy any duplicate public records that are exempt or confidential and exempt. All records stored electronically must be provided to the County in a format that is compatible with the information technology systems of the agency.

Upon receipt, all response submittals become "public records" and shall be subject to public disclosure consistent with Chapter 119, Florida Statutes.

Any firm that intends to assert any materials to be exempted from public disclosure under Chapter 119, Florida Statutes must submit the document(s) in a separate bound document labeled "Name of Firm, Attachment to Proposal Package, RFP# - Confidential Matter". The firm must identify the specific statute that authorizes the exemption from the Public Records Law. CD or DVD discs included in the submittal must also comply with this requirement and separate any materials claimed to be confidential.

Failure to provide this information at the time of submittal and in the manner required above may result in a recommendation by the Evaluation Committee that the response is non-responsive.

Any claim of confidentiality on materials that the firm asserts to be exempt and placed elsewhere in the submittal will be considered waived by the firm upon submission, effective after opening.

Please note that the financial statement exemption provided for in Section 119.071(1) c, Florida Statutes only applies to submittals in response to a solicitation for a "public works" project.

Please be aware that submitting confidential material may impact full discussion of your submittal by the Evaluation Committee because the Evaluation Committee will be unable

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to talk about the details of the confidential material(s) at the public Evaluation Committee meeting.

Copyrighted Materials

Copyrighted material will be accepted as part of a submittal only if accompanied by a waiver that will allow the County to make paper and electronic copies necessary for the use of County staff and agents. It is noted that copyrighted material is not exempt from the Public Records Law, Chapter 119, Florida Statutes. Therefore, such material will be subject to viewing by the public, but copies of the material will not be provided to the public.

Right of Appeal

Pursuant to Section 21.83 of the Broward County Procurement Code, any vendor that has a substantial interest in the matter and is dissatisfied or aggrieved in connection with the Evaluation Committee's determination of responsiveness may appeal the determination pursuant to Section 21.120 of the Broward County Procurement Code.

The appeal must be in writing and sent to the Director of Purchasing within ten (10) calendar days of the determination by the Evaluation Committee to be deemed timely.

As required by Section 21.120, the appeal must be accompanied by an appeal bond by a person having standing to protest and must comply with all other requirements of this section. The institution and filing of an appeal is an administrative remedy to be employed prior to the institution and filing of any civil action against the County concerning the subject matter of the appeal.

Negotiations

It is the County's intent to conduct the first negotiation meeting no later than two (2) weeks after approval of the final ranking as recommended by the Committee. At least one of the representatives for the firm participating in negotiations with the County must be authorized to bind the firm.

If negotiations are not successful within a reasonable timeframe (notification will be provided to the firm), an impasse will be declared and negotiations with the first-ranked firm will cease. Negotiations will begin with the next ranked firm, etc. until such time that all requirements of Concession Policy, Section 26.4 have been met.

General Conditions, Instructions and Information for Proposers

Inquiries/Interpretations

All proposers shall carefully examine the RFP documents. Any ambiguities or inconsistencies shall be brought to the attention of Aviation Department staff in writing no later than the Pre-Response Conference Date. Failure to do so on the part of the proposer will constitute an acceptance by the proposer of any subsequent decision. Any questions concerning the intent, meaning, and interpretations of the RFP documents, including the attached draft Agreement, shall be sent in writing, and received by the Aviation Department at least ten (10) business days

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prior to the pre-response conference date. The County will not be responsible for any oral instructions made by any employee(s) of the County in regard to the RFP.

Addendum

Should revisions to the RFP documents become necessary, the County will post addenda information on the Airport's website. All proposers should periodically check the FLL.net web site at <http://www.broward.org/Airport/Business/Pages/Solicitations.aspx> or contact the Aviation Department for addendum information. Failure to do so may result in the proposer submitting inaccurate information in the response, which could result in the rejection of the response as non-responsive.

Response Preparation Costs

Neither the County nor its representatives shall be liable for any expenses incurred in connection with the preparation of a response to this RFP. Proposer(s) understands that this RFP does not constitute an agreement or a contract between the proposer and the County. Proposers should prepare their responses simply and economically, providing a straightforward and concise description of the proposer's ability to meet the requirements of the RFP.

Accuracy of Response Information

By responding and signing the response, the proposer attests that the information submitted to the County is true, correct, and accurate. The proposer also agrees that any false, inaccurate, misleading, exaggerated, or incorrect information provided as part of their submittal could be deemed inappropriate and/or non-responsive and shall be disqualified from further consideration.

Insurance Requirements

Insurance requirements will be determined by Broward County Aviation Department's Risk Manager and will be included in the Concession Agreement.

Although it is not necessary to have insurance in effect at the time of response to this RFP, as part of its response, proposer must provide either a letter from their insurance carrier indicating that it is capable of obtaining insurance at least in the amount of the limits established on the Sample Certificate of Insurance, which is found in Attachment F to this RFP, or a sample insurance certificate from their carrier indicating the same. Please note that these insurance coverage amounts are minimums. You may carry higher limits, at your option, but you may not carry lower limits. The letter from your insurance carrier or the sample certificate should note that the Broward County is a certificate holder and will appear as an Additional Insured for all General Liability coverage. Additionally, the letter or sample certificate should note that all coverage must include a 30-day notice of cancellation. The insurance is required to be in effect at the first Sunshine negotiation session for the Concession Agreement. For additional information, please contact Tracy Meyer, Broward County Aviation Department, Risk Insurance and Contracts Manager at (954) 359-7216.

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Administrative Code

Except for those sections of the Procurement Code, Chapter 21, specifically cited to in this RFP, the Broward County Administrative Code, Chapter 26, Operational Policy, Aviation procedures apply in its entirety to this RFP.

Advertising

In submitting a response, proposer agrees not to use the results of this solicitation as a part of any commercial advertising, without the express written approval by the appropriate level of authority within the County.

Governing Law

The Agreement shall be governed by the laws of the State of Florida, and the venue for any legal action will be Broward County, Florida.

Convicted Vendor List

A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit an offer to perform work as a consultant or contract with a public entity, and may not transact business with Broward County for a period of thirty-six (36) months from the date of being placed on the convicted vendor list.

Projected Schedule

RFP Advertised Date: 11/14/2018
Pre-Response Conference: 12/05/2018
RFP Open Date: 01/11/2019

If three (3) or fewer responses are received, a combination Initial and Final Evaluation meeting may be held.

<http://www.broward.org/Commission/Pages/SunshineMeetings.aspx> Please check this website for any changes to the above tentative schedule.

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PACKAGE C

REQUEST FOR PROPOSALS (RFP)

RFP #20180430-0-AV-01

Non-Exclusive On-Airport Rental Car Concession
Fort Lauderdale-Hollywood International Airport

Responsiveness Criteria

Definition of a Responsive Proposer:

In accordance with Broward County Procurement Code Section 21.8.b.65, a Responsive Proposer means a person who has submitted a proposal which conforms in all material respects to a solicitation. The proposal of a Responsive Proposer must be submitted on the required forms, which contain all required information, signatures, notarizations, insurance, bonding, security, or other mandated requirements required by the solicitation documents to be submitted at the time of proposal opening.

Failure to provide the information required below, at the time of submittal opening may result in a recommendation of non-responsive by the Director of Aviation or his designee. The Evaluation Committee will determine whether the firm is responsive to the requirements specified herein. The County reserves the right to waive minor technicalities or irregularities as is in the best interest of the County in accordance with Section 21.30.f.1(c) of the Broward County Procurement Code.

*****NOTICE TO PROPOSERS*****

Proposers are invited to pay strict attention to the following requirements of this RFP. The information being requested in this section is going to be used by the Evaluation Committee during the evaluation process and further consideration for contract award. Please be aware that Proposers have a continuing obligation to provide the County with any material changes to the information being requested in this RFP.

1. Non-Certified Subcontractors and Suppliers Information

The form set forth in **Attachment C "Vendors List,"** should be submitted with your response to the RFP. However, it must be submitted within five (5) calendar days of County's request. Please provide the information for any sub-vendor(s) and major suppliers who will provide a service to the County for this solicitation.

2. Lobbyist Registration – Certification

A vendor who has retained a lobbyist(s) to lobby in connection with a competitive

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solicitation shall be deemed non-responsive unless the firm, in responding to the competitive solicitation, certifies, see **Attachment D**, that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262, Broward County Code of Ordinances. If, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the vendor, the County may, on the basis, exercise any contractual right to terminate the contract for convenience.

The Lobbyist Registration Certification Form (**Attachment D**) should be completed and returned at the time of the RFP opening deadline and included within the submittal document.

3. MAG Submittal

A proposer is require to bid a MAG of at least \$1.1 million for a slot.

4. Insurance Submittal

Proposer must supply the insurance certificate or letter as specified in this solicitation, which insurance must meet the minimum requirements set forth in **Attachment F**.

5. Eligible Proposer

Proposer must be eligible to submit a proposal for Package C in accordance with the requirements in this RFP (e.g., not a related company, not in negotiations with the County for Packages A or B, and not awarded a previous slot under one of the packages).

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Responsibility Criteria

Definition of Responsible Proposer

In accordance with Broward County Procurement Code Section 21.8.b.64, a Responsible Proposer or Offeror means an offeror who has the capability in all respects to perform the contract requirements, and the integrity and reliability which will assure good faith performance.

The following criteria will be used to determine the responsibility of the Proposer. A failure to meet any of these criteria may result in a determination of non-responsibility by the Evaluation Committee or the Board.

1. Airport Concession Disadvantaged Business Enterprise (ACDBE) Program Requirements:

Office of Economic and Small Business Development Program Requirements

In accordance with Title 49 of the Code of Federal Regulations, Parts 23 and 26 (49 CFR Parts 23 and 26), the Airport Concession Disadvantaged Business Enterprise (ACDBE) Program shall apply to this Contract. All persons or entities responding to this solicitation shall utilize, or attempt to utilize, ACDBE firms to perform at least the assigned participation goal (“ACDBE Goal”) for this Contract.

The assigned ACDBE participation goal for this contract is listed below.

Business Enterprise Category	Assigned Participation Goal
Airport Concession Disadvantaged Business Enterprise (ACDBE)	2%

Compliance with ACDBE Goal requirements is a matter of responsibility. Information demonstrating such compliance must be submitted with your response to the solicitation. You must at least show an attempt to meet the ACDBE Goal by providing Letters of Intent (LOI). Alternatively, you may show your good faith efforts to meet the ACDBE Goal by providing the documents listed in the subsections below. Your failure to meet the ACDBE Goal or demonstrate your good faith efforts to meet the ACDBE Goal shall be grounds for a finding of non-responsibility. In connection with the ACDBE Goal, you may be deemed responsible in one of two ways.

The first way you may be deemed responsible is by submitting LOIs (Attachment A1) from certified ACDBE firms which, cumulatively, fully meet the goal.

If you are unable to fully meet the ACDBE Goal, the second way you may be deemed responsible is by demonstrating your good faith efforts to meet the goal (“Good Faith Efforts”) and submitting a completed Application for Evaluation of Good Faith Effort (Attachment A2). Such Good Faith Efforts shall be consistent with the Guidance

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Concerning Good Faith Efforts provided by the federal Department of Transportation, found in 49 CFR 26, Appendix A. Without limiting the preceding sentence, documentation you may submit to demonstrate your Good Faith Efforts may include but is not limited to:

Providing timely solicitation activities to certified ACDBE firms, including attendance at pre-proposal meetings, advertisements, or written notices;
Identifying appropriate contract portions and scopes of work that certified ACDBE firms could potentially perform;
Providing timely and adequate information to the certified ACDBE firms (including plans and specifications);
Good faith negotiation with each interested, certified ACDBE firm (including names and contact information of each ACDBE firm considered) with an explanation as to why negotiations failed; and
Investigating ACDBE qualifications and capabilities; list reason(s) if a certified ACDBE firm is rejected.

Additional Factors in Review of Good Faith Efforts: In evaluating your Good Faith Efforts, the County may also consider the success other persons or entities that have responded to the solicitation have had in meeting the ACDBE Goal.

Opportunity to Cure. OESBD shall review your response to the solicitation. If OESBD discerns your intent to meet the ACDBE Goal, but determines that your response contains technical errors or requires further documentation, then OESBD may provide you with three (3) business days to correct those errors or provide documentation.

Program Requirements for ACDBE participation:

For a firm's participation to be considered in meeting the ACDBE Goal, the firm must be certified as an ACDBE to perform the applicable work no later than the date your response to the solicitation is due to the Aviation Department.

Additionally, a certified ACDBE firm may only participate in a contract if it is performing a commercially useful function. A certified ACDBE firm performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the certified ACDBE firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

ACDBE participation shall be counted in accordance with 49 CFR 23.55.

Nothing herein shall be construed to indicate that a higher level of certified ACDBE firm involvement above the stated goal will give any person or entity that has responded to the solicitation an advantage over other responders who have met the ACDBE Goal or shown Good Faith Efforts, as determined by the County.

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A comprehensive listing of certified ACDBE firms is published in the Florida Department of Transportation (FDOT) Business Directory and can be viewed at the following Unified Certification Program (UCP) website -

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>

(1) If awarded, Concessionaire hereby acknowledges and agrees to abide by the rules, regulations and provisions promulgated by the Airport Concession Disadvantaged Business Enterprise Program for the Aviation Department, Broward County, Florida, as provided by the Board of County Commissioners, Broward County, Florida, pursuant to 49 CFR Parts 23 and 26, of the Regulations of the Office of the Secretary of the United States Department of Transportation. Concessionaire shall be required to comply with any and all additional applicable provisions of 49 CFR Parts 23 and 26. Concessionaire shall submit such reports as may be required by County in the form specified by the County, for the purpose of demonstrating compliance with this subsection.

(2) Contract Assurances: The following clauses pertaining to compliance with 49 CFR Part 23 shall become a part of your contract with Broward County upon award and shall be incorporated into the terms of your solicitations, subcontracts, material supply contracts and purchase orders. In the event the following clauses conflict with any other terms or provisions of this Agreement section, the clauses set forth in this Airport Concession Disadvantaged Business Enterprise shall control:

i. Nondiscrimination; Remedies - The Concessionaire or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Concessionaire shall carry out applicable requirements of 49 CFR Part 23 in the award and administration of contracts subject to USDOT requirements. Failure by the Concessionaire to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

ii. Participation by ACDBEs – It is the policy of Broward County that ACDBE firms, as defined herein, can compete fairly for opportunities as subcontractors, suppliers on all contracts awarded by the County to ensure a level playing field. The Concessionaire hereby agrees to take all necessary and reasonable steps, including compliance with the matters set forth in this Section 17.3, in accordance with 49 CFR Part 23, as amended, to ensure that the ACDBE firms have fair opportunity to compete for and perform contracts.

iii. Prompt Payment - The Concessionaire hereby agrees to pay its subcontractors and suppliers within thirty (30) days following receipt of the service or supplies. A finding of nonpayment to subcontractors and suppliers is a material breach of this Agreement. The Concessionaire shall include the foregoing prompt payment language in all of its contracts with subcontractors who participate on County projects subject to the regulations in 49 CFR Parts 23 and 26, as amended. Designated staff of the OESBD will conduct meetings with parties involved in prompt payment disputes to facilitate an amicable resolution.

iv. Contract Compliance Monitoring - Compliance monitoring is conducted to determine if Concessionaire and/or subcontractors are complying with the requirements

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of the ACDBE Program. Failure of the Concessionaire to comply with this provision may result in the County imposing penalties or sanctions pursuant to the provisions of the 49 CFR Parts 23 and 26 and the County's Business Opportunity Act of 2012, Ordinance 2012-33. Contract compliance will encompass monitoring for contract dollar achievement and ACDBE subcontractor's utilization.

The Office of Economic and Small Business Development shall have the authority to audit and monitor all contracts and contract-related documents related to Broward County projects. The requirements of the ACDBE Program are applicable to Concessionaire and its subcontractors. Concessionaire shall be responsible for ensuring proper documentation with regard to its utilization and payment of ACDBE subcontractors.

For detailed information regarding the Airport Concession Disadvantaged Business Enterprise Program, please contact the Office of Economic and Small Business Development at (954) 357-6400 or visit the website at: <http://www.broward.org/econdev/Pages/default.aspx>.

At any time prior to award, the awarding authority may find that a Proposer is not responsible to receive a particular award. The awarding authority may consider the following factors, without limitation: debarment or removal from the authorized Proposers list or a final decree, declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the Proposer has breached or failed to perform a contract, claims history of the Proposer, performance history on a County contract(s), an unresolved concern, or any other cause under this code and Florida law for evaluating the responsibility of an Proposer.

2. Financial Information

Although the review of a Proposer's financial information is an issue of responsibility, failure to provide the financial documentation or to correctly assert a confidentiality claim pursuant the Florida Public Records Law and the solicitation requirements as stated in the Evaluation Criteria and Public Record and Exemptions sections may result in a recommendation of non-responsive by the EC.

3. Litigation History

Although the review of a Proposer's litigation history is an issue of responsibility, the failure to provide litigation history as required in the Evaluation Criteria may result in a recommendation of non-responsive by the EC. **Attachment E - Litigation History** must be completed and returned with the response.

4. Authority to Conduct Business in Florida

A Florida corporation or partnership is required to provide evidence with its response that the firm is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County.

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A foreign (out-of-state) corporation or partnership is required to provide evidence with its response that the firm is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County.

A joint venture is required to provide evidence with its response that the joint venture, or at least one of the joint venture partners, is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County. However, the joint venture is required to provide evidence prior to contract execution that the joint venture is authorized to transact business in Florida and provide County with a copy of the joint venture agreement. A joint venture is also required to provide with its response a Statement of Authority indicated that the individual submitting the joint venture's proposal has the legal authority to bind the joint venture. If not with its response, such evidence must be submitted to the County no later than three business days from County.

5. Experience Criteria

The Proposer and/or managing principal of the Proposer shall have been in continuous existence for at least the last (3) three years and shall have demonstrated experience in operating a rental car business for at least three (3) years.

6. Evaluation Criteria

Complete the "Evaluation Criteria" portion of this RFP in its entirety and in the same order as listed in this RFP.

7. Thoroughness of Response

The Proposer must respond to EVERY item in the Evaluation Criteria. If a specific item does not apply to Proposer, then the Proposer must reply with "N/A" or "No" or "None" (or some similar wording).

Additional Requirements

- Proposer must complete and submit the Non-Collusion Form (**Attachment I**).
- Proposer, its principals, officers, or predecessor organization(s) may not have been debarred or suspended from bidding by any government during the last three (3) years.
- Proposer must provide no less than three (3) positive references for its operations, and staff investigations may not find any instances of significant legal or contractual problems for Proposers' operations at airports.
- Proposer must provide three (3) references that can attest to the positive financial position of the Proposer and staff investigations may not find any issues of significant financial issues that might impact the Proposer's ability to make its required financial investment and run its operations at the Airport.

Additionally, the awarding authority may consider the following factors, without limitation: debarment or removal from the authorized vendors list or a final decree, declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the offeror has breached or failed to perform a contract, claims history of the offeror, performance history on a

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County contract(s), an unresolved concern, or any other cause under the County's code and Florida law for evaluating the responsibility of an offeror.

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Responsiveness Criteria – Package C

(NOTE: TWO Proposers may be selected for Package C)

Please provide the information for the Responsiveness Criteria by responding to the questions below:

- 1) **Did you attach a Non-Certified Subcontractors and Suppliers Information “Vendors List” – Attachment C:**

_____ YES _____ NO _____ N/A

- 2) **Did you attach a Lobbyist Registration – Certification – Attachment D:**

_____ YES _____ NO _____ N/A

- 3) **Did you submit a MAG bid of at least \$1.1 million for a slot:**

_____ YES _____ NO _____ N/A

- 4) **Did you attach an Insurance Submittal – Insurance Certificate – Attachment F:**

_____ YES _____ NO _____ N/A

- 5) **Are you eligible to propose for Package C?**

_____ YES _____ NO _____ N/A

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Selection Criteria – Package C

(NOTE: TWO Proposers may be selected for Package C)

Please enter your proposed Minimum Annual Guarantee (MAG) below:

Percentage Fee and Minimum Annual Guarantee

Privilege Fee payable from the concessionaire to the County will be based on the GREATER of the following:

- (i) A Minimum Annual Guarantee (MAG). The Proposer(s) shall propose a MAG for Agreement Year one (1) of the concession agreement of not **less than \$1.1 million per package**.
- (ii) Ten (10) percent of annual gross revenue.

NOTE: The MAG proposed by the Proposer(s) will be adjusted annually beginning in Agreement Year two and each subsequent Agreement Year based on the following:

The GREATER of:

- (i) 85% (eighty-five percent) of the prior Agreement year's Privilege Fee Payable, or
- (ii) The MAG proposed by the Proposer(s) in contract year one.

The adjusted MAG during the term of the Agreement shall never be less than the MAG proposed by the Proposer(s) for Agreement year one of the Agreement.

Proposer's Proposed First Agreement Year MAG \$ _____

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Evaluation/Responsibility Criteria – Package C

(NOTE: TWO Proposers may be selected for Package C)

Please provide the information for the Evaluation/Responsibility Criteria by responding to the questions below:

With regard to the Evaluation criteria, each firm has a continuing obligation to provide the County with any material changes to the information requested. The County reserves the right to obtain additional information from interested firms.

<p>Evaluation/Responsibility Criteria –</p> <p>Company Profile</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>1. Supply legal firm name, headquarters address, local office addresses, state of incorporation, and key firm contact names with their phone numbers and e-mail addresses.</p>	
<p>2. Supply the interested firm’s federal ID number and Dun and Bradstreet number.</p>	
<p>3. Is the interested firm legally authorized, pursuant to the requirements of the Florida Statutes, to do business in the State of Florida?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>4. All firms are required to provide Broward County the firm's financial statements at the time of submittal in order to demonstrate the firm's financial capabilities.</p> <p>Failure to provide this information at the time of submittal may result in a recommendation that the response is non-responsive. Each firm shall submit its most recent two (2) years of financial statements for review. The financial statements are not required to be audited financial statements. With respect to the number of years of financial statements required by this RFP, the firm must fully disclose the information for all years available; provided, however, that if the firm has been in business for less than the required number of</p>	

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<p>years, then the firm must disclose for all years of the required period that the firm has been in business, including any partial year-to-date financial statements. The County may consider the unavailability of the most recent year's financial statements and whether the firm acted in good faith in disclosing the financial documents in its evaluation. Any claim of confidentiality on financial statements should be asserted at the time of submittal. (see below)</p> <p>*****ONLY "IF" claiming Confidentiality*****</p> <p>The financial statements should be submitted in a separate bound document labeled "Name of Firm, Attachment to Proposal Package, RFP# - Confidential Matter". The firm must identify the specific statute that authorizes the exemption from the Public Records Law. CD or DVD discs included in the submittal must also comply with this requirement and separate any materials claimed to be confidential.</p> <p><u>Failure to provide this information at the time of submittal and in the manner required above may result in a recommendation that the response is non-responsive. Furthermore, Proposer's failure to provide the information as instructed may lead to the information becoming public.</u></p> <p>Please note that the financial statement exemption provided for in Section 119.071(1) c, Florida Statutes only applies to submittals in response to a solicitation for a "public works" project.</p>	
<p>Litigation History Requirement:</p> <p>5. The County will consider a vendor's litigation history information in its review and determination of responsibility. All vendors are required to disclose to the County all "material" cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the vendor, any parent or subsidiary of the vendor, or any</p>	

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predecessor organization. If the vendor is a joint venture, the information provided should encompass the joint venture (if it is not newly-formed for purposes of responding to the solicitation) and each of the entities forming the joint venture. For purpose of this disclosure requirement, a "case" includes lawsuits, administrative hearings and arbitrations. A case is considered to be "material" if it relates, in whole or in part, to any of the following:

1. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
2. An allegation of negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
3. A vendor's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
4. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
5. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

Notwithstanding the descriptions listed in paragraphs 1 – 5 above, a case is **not** considered to be "material" if the claims raised in the case involve only garnishment, auto negligence, personal injury, workers' compensation, foreclosure or a proof of claim filed by the Proposer.

For each material case, the Proposer is required to provide all information identified, on the attached "Litigation History" form.

(Attachment E)

A Vendor is also required to disclose to the County any and all case(s) that exist between the County and any of the vendor's subcontractors/subconsultants proposed to work on this project.

Failure to disclose any material case, or to provide all requested information in

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<p>connection with each such case, may result in the vendor being deemed non-responsive. Prior to making such determination, the vendor will have the ability to clarify the submittal and to explain why an undisclosed case is not material.</p>	
<p>6. Has the interested firm, its principals, officers, or predecessor organization(s) been debarred or suspended from bidding by any government during the last three (5) years? If yes, provide details.</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>7. List and describe all bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries, predecessor organization(s), or any wholly-owned subsidiary during the past three (3) years. Include in the description the disposition of each such petition.</p>	
<p>8. List all business related claims, arbitrations, administrative hearings, and lawsuits that are pending or were filed during the last three (3) years brought by or against the firm, its predecessor organization(s), or any wholly-owned subsidiary including but not limited to those claims, arbitrations, administrative hearings and lawsuits that allege negligence, error, or omission, or default, termination, suspension, failure to perform, or improper performance of an obligations of a contract or a legal duty related to the contract. This list should include all case names; case, arbitration, or hearing identification numbers; identification of the project involved in the dispute; a description of the subject matter of the dispute; and the final outcome or current status if the matter has not become final.</p>	
<p>9. List and describe all criminal proceedings or hearings concerning business related offenses in which the interested firm, its principals, officers, predecessor organization(s), or wholly owned subsidiaries were defendants.</p>	
<p>Insurance Requirements: 10. Attached (<u>Attachment F</u>) is a sample Certificate of Insurance. It reflects the insurance requirements deemed necessary</p>	

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<p>for this project. It is not necessary to have this level of insurance in effect at the time of submittal but it is necessary to submit certificates indicating that the firm currently carries the type of insurance specified; or, if the Proposer does not currently carry the required limits, then the Proposer shall submit a letter from their carrier indicating that such coverage can be obtained and/or limits can be upgraded if such insurance is currently carried but at a lesser level. The first ranked firm will be required to have the insurance in-place prior to the initial Sunshine contract negotiation session.</p>	
<p>Evaluation/Responsibility Criteria – Legal Requirements</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>1. Draft Agreement Language: Identify any standard terms and conditions with which the interested firm cannot agree. The standard terms and conditions for the resulting contract can be located at:</p> <p>Insert Link for Standard Agreement Language Form provided by Assistant County Attorney</p> <p>If you do not have computer access to the internet, call the Project Manager for this RFP to arrange for mailing, pick up, or facsimile transmission.</p>	<p><input type="checkbox"/> YES (Agree)</p> <p><input type="checkbox"/> NO</p> <p>If no, you need to specifically identify the terms and conditions with which you are taking exception since they will be discussed with the Evaluation Committee. Please be aware that taking exceptions to the County’s standard terms and conditions may be viewed unfavorably by the Evaluation Committee and ultimately impact the overall evaluation of your submittal.</p>
<p>2. Cone of Silence: This County’s ordinance prohibits certain communications among vendors, county staff, and Evaluation Committee members. Identify any violations of this ordinance by any members of the responding firm or its joint venturers. The firm(s) submitting is expected to sign and notarize the Cone of Silence Certification (Attachment G).</p>	
<p>3. Public Entity Crimes Statement: A person or affiliate who has been placed on the</p>	

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<p>convicted vendor list following a conviction for a public entity crime may not submit an offer to perform work as a consultant or contract with a public entity, and may not transact business with Broward County for a period of 36 months from the date of being placed on the convicted vendor list. Submit a statement fully describing any violations of this statute by members of the interested firm or its joint venturers.</p>	
<p>4. No Contingency Fees: By responding to this solicitation, each firm warrants that it has not and will not pay a contingency fee to any company or person, other than a bona fide employee working solely for the firm, to secure an agreement pursuant to this solicitation. For Breach or violation of this provision, County shall have the right to reject the firm's response or terminate any agreement awarded without liability at its discretion, or to deduct from the agreement price or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration. Submit an attesting statement warranting that the Responder has not and will not pay a contingency fee to any company or person, other than a bona fide employee working solely for the firm, to secure an agreement pursuant to this solicitation.</p>	
<p>5. Non-Collusion Statement: By responding to this solicitation, the vendor certifies that this offer is made independently and free from collusion. Vendor shall disclose on the attached "Non-Collusion Statement Form" (Attachment I) to their best knowledge, any Broward County officer or employee, or any relative of any such officer or employee as defined in Section 112.3135(1) (c), Florida Statutes (1989), who is an officer or director of, or had a material interest in, the vendor's business, who is in a position to influence this procurement. Any Broward County officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes</p>	

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<p>hereof, to be in a position to influence this procurement. For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor. Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the Broward County Procurement Code.</p>	
<p>6. Scrutinized Companies List Certification: Any company, principals, or owners on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List is prohibited from submitting a bid, proposal or response to a Broward County solicitation for goods or services in an amount equal to or greater than \$1 million. The certification form is referenced as "Scrutinized Companies List Certification" (Attachment J) and should be completed and submitted with your proposal but must be completed and submitted prior to award.</p>	

Evaluation/Responsibility Criteria -

Experience Requirements

NOTE: In meeting the following Criteria, the County will consider the experience of the Proposer or in the event of a joint venture or partnership anyone of the companies or principals of such company forming the joint venture or partnership.

The Proposer or a principal of Proposer shall have been in continuous existence for at least the last (3) three years and shall have demonstrated experience in operating a rental car business for at least three (3) years.

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<p>Evaluation Criteria – Project-Specific Criteria</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>Operational Approach:</p> <ul style="list-style-type: none"> a) Describe your organization’s office and corporate customer service program in processing passenger questions, complaints, and other input. b) Describe your organization’s approach to maximizing operational and budgetary efficiency. c) Describe what technologies your organization plans to employ in the operation of this contract. Specify how such technologies will be utilized and how they will benefit the operations. 	
<p>Safety Program:</p> <ul style="list-style-type: none"> a) Describe your organization’s program for safety training, monitoring performance, and employee follow-up (recognition or disciplinary action) b) Describe the key program reports and other management procedures planned to ensure integrity of the safety program. 	
<p>Experience of Key Personnel:</p> <ul style="list-style-type: none"> a) Provide a brief resume of support employees who will furnish professional and or technical support services on this contract. This should include, but not be limited to, the following: (i) their functions in the company; (ii) their title and number of years of service with the company; and (iii) their years of experience in the maintenance of comparably complex facilities and systems. b) Provide a FLL project specific, detailed organizational chart identifying key personnel and job descriptions. 	

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Complete the following items:

- a. Number of years (including dates) that the Proposer or principal of Proposer has operated a rental car business:

- b. Identify if such experience in (a), above, is held by Proposer or principal of Proposer. If held by principal, provide the principal's name and the relationship of the principal to the Proposer, (i.e., majority shareholder, majority partner, corporate officer, franchisee, parent company, etc.):

- c. Proposer or principal of Proposer shall list large-hub airports where they have operated a rental car business in or outside the continental United States, if any.

Contract Location	Term (start/end date)	Annual Gross Revenues	Year of Stated Annual Gross Revenues

For each venue listed above, provide the name, title, telephone number and email address of a contact person who was responsible for managing the Proposers' contract with the venue. Please note that in addition to any contacts listed below, as part of its review of Proposers' qualifications, the County may contact other venues where the Proposer provides rental car concession services.

Location	Contact Name	Title	Telephone Number	Email Address

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Location	Contact Name	Title	Telephone Number	Email Address

d. Identify if such experience in (c), above, is held by Proposer or principal of Proposer. If held by principal, provide the principal's name and the relationship of the principal to the Proposer, (i.e., majority shareholder, majority partner, corporate officer, franchisee, parent company, etc.):

e. Have any agreements held by Proposer or principal of Proposer or a parent or subsidiary of Proposer or principal of Proposer for the operation of a rental car concession or franchise ever been canceled?

Yes _____ No _____

If yes, provide further details: _____

f. Has the Proposer or principal of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this rental car concession ever been sued for issues pertaining to fee payment and/or performance?

Yes _____ No _____

If yes, provide further details: _____

g. Has the Proposer and any principal of Proposer been the subject of any investigations of any State, Federal or local government or agency within the past 5 years?

Yes _____ No _____

If yes, provide further details: _____

h. Has Proposer or principal(s) of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this Concession ever had a bond or surety cancelled or forfeited.

Yes _____ No _____

If yes, provide further details: _____

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Proposed Services

Successful proposers will have the right, privilege, and obligation to conduct and operate a high-quality, well-managed rental car concession from its space, which shall be limited to the renting of passenger car vehicles to Airport Customers, including the sale of any insurance or fuel related thereto, and the providing of any other incidental services, items, and equipment reasonably associated therewith. The terms "passenger car," "car," "vehicle," and similar terms do not include buses, commercial vehicles, or similar vehicles. Successful proposers may not use their space for any purpose other than as expressly provided in the Agreement.

The above list is the minimum required for this RFP.

Proposed Business Operations

Provide the proposed brand names, a description of how all of the services will be provided, business hours by location, who will be responsible for the day to day operation of the concession, and describe how their experience is pertinent to this proposed concession operation at the Airport.

Additional lines or pages may be added if necessary.

Proposed Brand Names:

Proposer will operate the following brands/trade names at the Airport, which brands/trade names are wholly owned or controlled by Proposer or licensed to Proposer, on the date of this Proposal, and no other brands/trade names:

Insert brand/trade names below:

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Airport Concession Disadvantaged Business Enterprise (ACDBE) Program/Compliances:

The assigned ACDBE participation goal for this contract is listed below.

Business Enterprise Category	Assigned Participation Goal
Airport Concession Disadvantaged Business Enterprise (ACDBE)	2%

Compliance with ACDBE Goal requirements is a matter of responsibility. Information demonstrating such compliance must be submitted with your response to the solicitation. You must at least show an attempt to meet the ACDBE Goal by providing Letters of Intent (LOI). Alternatively, you may show your good faith efforts to meet the ACDBE Goal by providing the documents listed in the subsections below. Your failure to meet the ACDBE Goal or demonstrate good faith efforts to meet the ACDBE Goal shall be grounds for a finding of non-responsibility. In connection with the ACDBE Goal, you may be deemed responsible in one of two ways.

The first way in which you may be deemed responsible is by submitting LOIs (Attachment A1) executed with certified ACDBE firms which, cumulatively, fully meet the goal.

If you are unable to fully meet the ACDBE Goal, the second way you may be deemed responsible is by demonstrating your good faith efforts to meet the goal (“Good Faith Efforts”) and submitting a completed Application for Evaluation of Good Faith Effort (Attachment A2). Such Good Faith Efforts shall be consistent with the Guidance Concerning Good Faith Efforts provided by the federal Department of Transportation, found in 49 CFR 26, Appendix A. Without limiting the preceding sentence, documentation you may submit to demonstrate your Good Faith Efforts may include but is not limited to:

- Providing timely solicitation activities to certified ACDBE firms, including attendance at pre-proposal meetings, advertisements, or written notices;
- Identifying appropriate contract portions and scopes of work that certified ACDBE firms could potentially perform;
- Providing timely and adequate information to the certified ACDBE firms (including plans and specifications);
- Good faith negotiation with each interested, certified ACDBE firm (including names and contact information of each ACDBE firm considered) with an explanation as to why negotiations failed and;
- Investigating ACDBE qualifications and capabilities; list reason(s) if a certified ACDBE firm is rejected.

Additional Factors in Review of Good Faith Efforts: In evaluating your Good Faith Efforts, the County may also consider the success other persons or entities that have responded to the solicitation have had in meeting the ACDBE Goal.

Opportunity to Cure. OESBD shall review your response to the solicitation. If OESBD discerns your intent to meet the ACDBE Goal, but determines that your response contains technical errors or requires further documentation, then OESBD may provide you with three (3) business days to correct those errors or provide documentation.

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Program Requirements for ACDBE participation:

For a firm's participation to be considered in meeting the ACDBE Goal, the firm must be certified as an ACDBE to perform the applicable work no later than the date Proposer's response to the solicitation is due to the Aviation Department.

Additionally, a certified ACDBE firm may only participate in a contract if it is performing a commercially useful function. A certified ACDBE firm performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the certified ACDBE firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

ACDBE participation shall be counted in accordance with 49 CFR 23.55.

Nothing herein shall be construed to indicate that a higher level of certified ACDBE firm involvement above the stated goal will give any person or entity that has responded to the solicitation an advantage over other responders who have met the ACDBE Goal or shown Good Faith Efforts, as determined by the County.

Surety Information

Has Proposer or principal(s) of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this Concession ever had a bond or surety cancelled or forfeited?

Yes _____ No _____

If yes, provide further information: _____

Courtesy Training Program

Does the Proposer or Principal of Proposer currently have a Courtesy Training Program?

Yes ___ No ___

If yes, provide details. _____

If no, will Proposer send its employees to SUNSational Service training if offered by the County?

Yes _____ No _____

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Proposer Certification

By responding and signing this RFP, Proposer attests that the information submitted to the County is true, correct and accurate. The Proposer also agrees that any false, inaccurate, misleading, exaggerated, or incorrect information provided as part of their submittal could be deemed inappropriate and/or non-responsive and shall be disqualified from further consideration.

PROPOSER

DATE:

Signature

Print Name

Title

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PACKAGE D

REQUEST FOR PROPOSALS (RFP)

RFP #20180430-0-AV-01

Non-Exclusive On-Airport Rental Car Concession
Fort Lauderdale-Hollywood International Airport

Responsiveness Criteria

Definition of a Responsive Proposer:

In accordance with Broward County Procurement Code Section 21.8.b.65, a Responsive Proposer means a person who has submitted a proposal which conforms in all material respects to a solicitation. The proposal of a Responsive Proposer must be submitted on the required forms, which contain all required information, signatures, notarizations, insurance, bonding, security, or other mandated requirements required by the solicitation documents to be submitted at the time of proposal opening.

Failure to provide the information required below, at the time of submittal opening may result in a recommendation of non-responsive by the Director of Aviation or his designee. The Evaluation Committee will determine whether the firm is responsive to the requirements specified herein. The County reserves the right to waive minor technicalities or irregularities as is in the best interest of the County in accordance with Section 21.30.f.1(c) of the Broward County Procurement Code.

*****NOTICE TO PROPOSERS*****

Proposers are invited to pay strict attention to the following requirements of this RFP. The information being requested in this section is going to be used by the Evaluation Committee during the evaluation process and further consideration for contract award. Please be aware that Proposers have a continuing obligation to provide the County with any material changes to the information being requested in this RFP.

1. Non-Certified Subcontractors and Suppliers Information

The form set forth in **Attachment C "Vendors List,"** should be submitted with your response to the RFP. However, it must be submitted within five (5) calendar days of County's request. Please provide the information for any sub-vendor(s) and major suppliers who will provide a service to the County for this solicitation.

2. Lobbyist Registration – Certification

A vendor who has retained a lobbyist(s) to lobby in connection with a competitive solicitation shall be deemed non-responsive unless the firm, in responding to the competitive solicitation, certifies, see **Attachment D,** that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262,

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Broward County Code of Ordinances. If, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the vendor, the County may, on the basis, exercise any contractual right to terminate the contract for convenience.

The Lobbyist Registration Certification Form (**Attachment D**) should be completed and returned at the time of the RFP opening deadline and included within the submittal document.

3. Insurance Submittal

Proposer must supply the insurance certificate or letter as specified in this solicitation, which insurance must meet the minimum requirements set forth in **Attachment F**.

4. Eligible Proposer

Proposer must be eligible to submit a proposal for Package D in accordance with the requirements in this RFP (e.g., not a related company, not in negotiations with the County for Packages A or B, and not awarded a previous slot under one of the packages).

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Responsibility Criteria

Definition of Responsible Proposer

In accordance with Broward County Procurement Code Section 21.8.b.64, a Responsible Proposer or Offeror means an offeror who has the capability in all respects to perform the contract requirements, and the integrity and reliability which will assure good faith performance.

The following criteria will be used to determine the responsibility of the Proposer. A failure to meet any of these criteria may result in a determination of non-responsibility by the Evaluation Committee or the Board.

1. Airport Concession Disadvantaged Business Enterprise (ACDBE) Program Requirements:

Office of Economic and Small Business Development Program Requirements

In accordance with Title 49 of the Code of Federal Regulations, Parts 23 and 26 (49 CFR Parts 23 and 26), the Airport Concession Disadvantaged Business Enterprise (ACDBE) Program shall apply to this Contract. All persons or entities responding to this solicitation shall utilize, or attempt to utilize, ACDBE firms to perform at least the assigned participation goal ("ACDBE Goal") for this Contract.

The assigned ACDBE participation goal for this contract is listed below.

Business Enterprise Category	Assigned Participation Goal
Airport Concession Disadvantaged Business Enterprise (ACDBE)	2%

Compliance with ACDBE Goal requirements is a matter of responsibility. Information demonstrating such compliance must be submitted with your response to the solicitation. You must at least show an attempt to meet the ACDBE Goal by providing Letters of Intent (LOI). Alternatively, you may show your good faith efforts to meet the ACDBE Goal by providing the documents listed in the subsections below. Your failure to meet the ACDBE Goal or demonstrate your good faith efforts to meet the ACDBE Goal shall be grounds for a finding of non-responsibility. In connection with the ACDBE Goal, you may be deemed responsible in one of two ways.

The first way you may be deemed responsible is by submitting LOIs (Attachment A1) from certified ACDBE firms which, cumulatively, fully meet the goal.

If you are unable to fully meet the ACDBE Goal, the second way you may be deemed responsible is by demonstrating your good faith efforts to meet the goal ("Good Faith Efforts") and submitting a completed Application for Evaluation of Good Faith Effort (Attachment A2). Such Good Faith Efforts shall be consistent with the Guidance

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Concerning Good Faith Efforts provided by the federal Department of Transportation, found in 49 CFR 26, Appendix A. Without limiting the preceding sentence, documentation you may submit to demonstrate your Good Faith Efforts may include but is not limited to:

Providing timely solicitation activities to certified ACDBE firms, including attendance at pre-proposal meetings, advertisements, or written notices;
Identifying appropriate contract portions and scopes of work that certified ACDBE firms could potentially perform;
Providing timely and adequate information to the certified ACDBE firms (including plans and specifications);
Good faith negotiation with each interested, certified ACDBE firm (including names and contact information of each ACDBE firm considered) with an explanation as to why negotiations failed; and
Investigating ACDBE qualifications and capabilities; list reason(s) if a certified ACDBE firm is rejected.

Additional Factors in Review of Good Faith Efforts: In evaluating your Good Faith Efforts, the County may also consider the success other persons or entities that have responded to the solicitation have had in meeting the ACDBE Goal.

Opportunity to Cure. OESBD shall review your response to the solicitation. If OESBD discerns your intent to meet the ACDBE Goal, but determines that your response contains technical errors or requires further documentation, then OESBD may provide you with three (3) business days to correct those errors or provide documentation.

Program Requirements for ACDBE participation:

For a firm's participation to be considered in meeting the ACDBE Goal, the firm must be certified as an ACDBE to perform the applicable work no later than the date your response to the solicitation is due to the Aviation Department.

Additionally, a certified ACDBE firm may only participate in a contract if it is performing a commercially useful function. A certified ACDBE firm performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the certified ACDBE firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

ACDBE participation shall be counted in accordance with 49 CFR 23.55.

Nothing herein shall be construed to indicate that a higher level of certified ACDBE firm involvement above the stated goal will give any person or entity that has responded to the solicitation an advantage over other responders who have met the ACDBE Goal or shown Good Faith Efforts, as determined by the County.

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A comprehensive listing of certified ACDBE firms is published in the Florida Department of Transportation (FDOT) Business Directory and can be viewed at the following Unified Certification Program (UCP) website -

<https://fdotxwp02.dot.state.fl.us/EqualOpportunityOfficeBusinessDirectory/CustomSearch.aspx>

(1) If awarded, Concessionaire hereby acknowledges and agrees to abide by the rules, regulations and provisions promulgated by the Airport Concession Disadvantaged Business Enterprise Program for the Aviation Department, Broward County, Florida, as provided by the Board of County Commissioners, Broward County, Florida, pursuant to 49 CFR Parts 23 and 26, of the Regulations of the Office of the Secretary of the United States Department of Transportation. Concessionaire shall be required to comply with any and all additional applicable provisions of 49 CFR Parts 23 and 26. Concessionaire shall submit such reports as may be required by County in the form specified by the County, for the purpose of demonstrating compliance with this subsection.

(2) Contract Assurances: The following clauses pertaining to compliance with 49 CFR Part 23 shall become a part of your contract with Broward County upon award and shall be incorporated into the terms of your solicitations, subcontracts, material supply contracts and purchase orders. In the event the following clauses conflict with any other terms or provisions of this Agreement section, the clauses set forth in this Airport Concession Disadvantaged Business Enterprise shall control:

i. Nondiscrimination; Remedies - The Concessionaire or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The Concessionaire shall carry out applicable requirements of 49 CFR Part 23 in the award and administration of contracts subject to USDOT requirements. Failure by the Concessionaire to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

ii. Participation by ACDBEs – It is the policy of Broward County that ACDBE firms, as defined herein, can compete fairly for opportunities as subcontractors, suppliers on all contracts awarded by the County to ensure a level playing field. The Concessionaire hereby agrees to take all necessary and reasonable steps, including compliance with the matters set forth in this Section 17.3, in accordance with 49 CFR Part 23, as amended, to ensure that the ACDBE firms have fair opportunity to compete for and perform contracts.

iii. Prompt Payment - The Concessionaire hereby agrees to pay its subcontractors and suppliers within thirty (30) days following receipt of the service or supplies. A finding of nonpayment to subcontractors and suppliers is a material breach of this Agreement. The Concessionaire shall include the foregoing prompt payment language in all of its contracts with subcontractors who participate on County projects subject to the regulations in 49 CFR Parts 23 and 26, as amended. Designated staff of the OESBD will conduct meetings with parties involved in prompt payment disputes to facilitate an amicable resolution.

iv. Contract Compliance Monitoring - Compliance monitoring is conducted to determine if Concessionaire and/or subcontractors are complying with the requirements

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of the ACDBE Program. Failure of the Concessionaire to comply with this provision may result in the County imposing penalties or sanctions pursuant to the provisions of the 49 CFR Parts 23 and 26 and the County's ACDBE Program Plan. Contract compliance will encompass monitoring for contract dollar achievement and ACDBE subcontractor's utilization.

The Office of Economic and Small Business Development shall have the authority to audit and monitor all contracts and contract-related documents related to Broward County projects. The requirements of the ACDBE Program are applicable to Concessionaire and its subcontractors. Concessionaire shall be responsible for ensuring proper documentation with regard to its utilization and payment of ACDBE subcontractors.

For detailed information regarding the Airport Concession Disadvantaged Business Enterprise Program, please contact the Office of Economic and Small Business Development at (954) 357-6400 or visit the website at: <http://www.broward.org/econdev/Pages/default.aspx>.

At any time prior to award, the awarding authority may find that a Proposer is not responsible to receive a particular award. The awarding authority may consider the following factors, without limitation: debarment or removal from the authorized Proposers list or a final decree, declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the Proposer has breached or failed to perform a contract, claims history of the Proposer, performance history on a County contract(s), an unresolved concern, or any other cause under this code and Florida law for evaluating the responsibility of an Proposer.

2. Financial Information

Although the review of a Proposer's financial information is an issue of responsibility, failure to provide the financial documentation or to correctly assert a confidentiality claim pursuant the Florida Public Records Law and the solicitation requirements as stated in the Evaluation Criteria and Public Record and Exemptions sections may result in a recommendation of non-responsive by the EC.

3. Litigation History

Although the review of a Proposer's litigation history is an issue of responsibility, the failure to provide litigation history as required in the Evaluation Criteria may result in a recommendation of non-responsive by the EC. **Attachment E - Litigation History** must be completed and returned with the response.

4. Authority to Conduct Business in Florida

A Florida corporation or partnership is required to provide evidence with its response that the firm is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County.

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A foreign (out-of-state) corporation or partnership is required to provide evidence with its response that the firm is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County.

A joint venture is required to provide evidence with its response that the joint venture, or at least one of the joint venture partners, is authorized to transact business in Florida and is in good standing with the Florida Department of State. If not with its response, such evidence must be submitted no later than three business days from request from the County. However, the joint venture is required to provide evidence prior to contract execution that the joint venture is authorized to transact business in Florida and provide County with a copy of the joint venture agreement. A joint venture is also required to provide with its response a Statement of Authority indicated that the individual submitting the joint venture's proposal has the legal authority to bind the joint venture. If not with its response, such evidence must be submitted to the County no later than three business days from County.

5. Experience Criteria

The Proposer and/or managing principal of the Proposer shall have been in continuous existence for at least the last (3) three years and shall have demonstrated experience in operating a rental car business for at least three (3) years.

6. Evaluation Criteria

Complete the "Evaluation Criteria" portion of this RFP in its entirety and in the same order as listed in this RFP.

7. Thoroughness of Response

The Proposer must respond to EVERY item in the Evaluation Criteria. If a specific item does not apply to Proposer, then the Proposer must reply with "N/A" or "No" or "None" (or some similar wording).

Additional Requirements

- Proposer must complete and submit the Non-Collusion Form (**Attachment I**).
- Proposer, its principals, officers, or predecessor organization(s) may not have been debarred or suspended from bidding by any government during the last three (3) years.
- Proposer must provide no less than three (3) positive references for its operations, and staff investigations may not find any instances of significant legal or contractual problems for Proposers' operations at airports.
- Proposer must provide three (3) references that can attest to the positive financial position of the Proposer and staff investigations may not find any issues of significant financial issues that might impact the Proposer's ability to make its required financial investment and run its operations at the Airport.

Additionally, the awarding authority may consider the following factors, without limitation: debarment or removal from the authorized vendors list or a final decree, declaration or order by a court or administrative hearing officer or tribunal of competent jurisdiction that the offeror has breached or failed to perform a contract, claims history of the offeror, performance history on a

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County contract(s), an unresolved concern, or any other cause under the County's code and Florida law for evaluating the responsibility of an offeror.

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Responsiveness Criteria – Package D

(NOTE: TWO Proposers may be selected for Package D)

Please provide the information for the Responsiveness Criteria by responding to the questions below:

- 1) **Did you attach a Non-Certified Subcontractors and Suppliers Information “Vendors List” – Attachment C:**

_____ YES _____ NO _____ N/A

- 2) **Did you attach a Lobbyist Registration – Certification – Attachment D:**

_____ YES _____ NO _____ N/A

- 3) **Did you attach an Insurance Submittal – Insurance Certificate – Attachment F:**

_____ YES _____ NO _____ N/A

- 4) **Are you eligible to propose for Package D?**

_____ YES _____ NO _____ N/A

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Selection Criteria – Package D

(NOTE: TWO Proposers may be selected for Package D)

Please enter your proposed Minimum Annual Guarantee (MAG) below:

Percentage Fee and Minimum Annual Guarantee

Privilege Fee payable from the concessionaire to the County will be based on the GREATER of the following:

(i) A Minimum Annual Guarantee (MAG). The Proposer(s) shall propose a MAG for Agreement Year one (1) of the concession agreement.

(ii) Ten (10) percent of annual gross revenue, whichever is greater.

NOTE: The MAG proposed by the Proposer(s) will be adjusted annually beginning in Agreement Year two and each subsequent Agreement Year based on the following:

The GREATER of:

(i) 85% (eighty-five percent) of the prior Agreement year's Privilege Fee Payable,
or

(ii) The MAG proposed by the Proposer(s) in contract year one.

The adjusted MAG during the term of the Agreement shall never be less than the MAG proposed by the Proposer(s) for Agreement year one of the Agreement.

Proposer's Proposed First Agreement Year MAG \$ _____

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Evaluation/Responsibility Criteria – Package D

(NOTE: there is no limit on the number of proposers that may propose on Package D)

Please provide the information for the Evaluation/Responsibility Criteria by responding to the questions below:

With regard to the Evaluation criteria, each firm has a continuing obligation to provide the County with any material changes to the information requested. The County reserves the right to obtain additional information from interested firms.

<p>Evaluation/Responsibility Criteria –</p> <p>Company Profile</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>1. Supply legal firm name, headquarters address, local office addresses, state of incorporation, and key firm contact names with their phone numbers and e-mail addresses.</p>	
<p>2. Supply the interested firm’s federal ID number and Dun and Bradstreet number.</p>	
<p>3. Is the interested firm legally authorized, pursuant to the requirements of the Florida Statutes, to do business in the State of Florida?</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>4. All firms are required to provide Broward County the firm's financial statements at the time of submittal in order to demonstrate the firm's financial capabilities.</p> <p>Failure to provide this information at the time of submittal may result in a recommendation that the response is non-responsive. Each firm shall submit its most recent two (2) years of financial statements for review. The financial statements are not required to be audited financial statements. With respect to the number of years of financial statements required by this RFP, the firm must fully disclose the information for all years available; provided, however, that if the firm has been in business for less than the required number of years, then the firm must disclose for all years of the required period that the firm has been in</p>	

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business, including any partial year-to-date financial statements. The County may consider the unavailability of the most recent year's financial statements and whether the firm acted in good faith in disclosing the financial documents in its evaluation.
Any claim of confidentiality on financial statements should be asserted at the time of submittal. (see below)

*******ONLY "IF" claiming Confidentiality*******

The financial statements should be submitted in a separate bound document labeled "Name of Firm, Attachment to Proposal Package, RFP# - Confidential Matter". The firm must identify the specific statute that authorizes the exemption from the Public Records Law. CD or DVD discs included in the submittal must also comply with this requirement and separate any materials claimed to be confidential.

Failure to provide this information at the time of submittal and in the manner required above may result in a recommendation that the response is non-responsive. Furthermore, Proposer's failure to provide the information as instructed may lead to the information becoming public.

Please note that the financial statement exemption provided for in Section 119.071(1) c, Florida Statutes only applies to submittals in response to a solicitation for a "public works" project.

Litigation History Requirement:

5. The County will consider a vendor's litigation history information in its review and determination of responsibility. All vendors are required to disclose to the County all "material" cases filed, pending, or resolved during the last three (3) years prior to the solicitation response due date, whether such cases were brought by or against the vendor, any parent or subsidiary of the vendor, or any predecessor organization. If the vendor is a joint venture, the information provided should

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encompass the joint venture (if it is not newly-formed for purposes of responding to the solicitation) and each of the entities forming the joint venture. For purpose of this disclosure requirement, a "case" includes lawsuits, administrative hearings and arbitrations. A case is considered to be "material" if it relates, in whole or in part, to any of the following:

1. A similar type of work that the vendor is seeking to perform for the County under the current solicitation;
2. An allegation of negligence, error or omissions, or malpractice against the vendor or any of its principals or agents who would be performing work under the current solicitation;
3. A vendor's default, termination, suspension, failure to perform, or improper performance in connection with any contract;
4. The financial condition of the vendor, including any bankruptcy petition (voluntary and involuntary) or receivership; or
5. A criminal proceeding or hearing concerning business-related offenses in which the vendor or its principals (including officers) were/are defendants.

Notwithstanding the descriptions listed in paragraphs 1 – 5 above, a case is **not** considered to be "material" if the claims raised in the case involve only garnishment, auto negligence, personal injury, workers' compensation, foreclosure or a proof of claim filed by the Proposer.

For each material case, the Proposer is required to provide all information identified, on the attached "Litigation History" form. **(Attachment)**

A Vendor is also required to disclose to the County any and all case(s) that exist between the County and any of the vendor's subcontractors/subconsultants proposed to work on this project.

Failure to disclose any material case, or to provide all requested information in connection with each such case, may result in the vendor being deemed non-responsive. Prior to making such determination, the vendor will have the

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<p>ability to clarify the submittal and to explain why an undisclosed case is not material.</p>	
<p>6. Has the interested firm, its principals, officers, or predecessor organization(s) been debarred or suspended from bidding by any government during the last three (5) years? If yes, provide details.</p>	<p><input type="checkbox"/> YES <input type="checkbox"/> NO</p>
<p>7. List and describe all bankruptcy petitions (voluntary or involuntary) which have been filed by or against the Proposer, its parent or subsidiaries, predecessor organization(s), or any wholly-owned subsidiary during the past three (3) years. Include in the description the disposition of each such petition.</p>	
<p>8. List all business related claims, arbitrations, administrative hearings, and lawsuits that are pending or were filed during the last three (3) years brought by or against the firm, its predecessor organization(s), or any wholly-owned subsidiary including but not limited to those claims, arbitrations, administrative hearings and lawsuits that allege negligence, error, or omission, or default, termination, suspension, failure to perform, or improper performance of an obligations of a contract or a legal duty related to the contract. This list should include all case names; case, arbitration, or hearing identification numbers; identification of the project involved in the dispute; a description of the subject matter of the dispute; and the final outcome or current status if the matter has not become final.</p>	
<p>9. List and describe all criminal proceedings or hearings concerning business related offenses in which the interested firm, its principals, officers, predecessor organization(s), or wholly owned subsidiaries were defendants.</p>	
<p>Insurance Requirements: 10. Attached (<u>Attachment F</u>) is a sample Certificate of Insurance. It reflects the insurance requirements deemed necessary for this project. It is not necessary to have this level of insurance in effect at the time of submittal but it is necessary to submit certificates indicating that the firm currently carries the type of insurance specified; or, if the Proposer does not currently carry the</p>	

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<p>required limits, then the Proposer shall submit a letter from their carrier indicating that such coverage can be obtained and/or limits can be upgraded if such insurance is currently carried but at a lesser level. The first ranked firm will be required to have the insurance in-place prior to the initial Sunshine contract negotiation session.</p>	
<p>Evaluation/Responsibility Criteria – Legal Requirements</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>1. Standard Agreement Language: Identify any standard terms and conditions with which the interested firm cannot agree. The standard terms and conditions for the resulting contract can be located at:</p> <p>Insert Link for Standard Agreement Language Form provided by Assistant County Attorney</p> <p>If you do not have computer access to the internet, call the Project Manager for this RFP to arrange for mailing, pick up, or facsimile transmission.</p>	<p><input type="checkbox"/> YES (Agree)</p> <p><input type="checkbox"/> NO</p> <p>If no, you need to specifically identify the terms and conditions with which you are taking exception since they will be discussed with the Evaluation Committee. Please be aware that taking exceptions to the County’s standard terms and conditions may be viewed unfavorably by the Evaluation Committee and ultimately impact the overall evaluation of your submittal.</p>
<p>2. Cone of Silence: This County’s ordinance prohibits certain communications among vendors, county staff, and Evaluation Committee members. Identify any violations of this ordinance by any members of the responding firm or its joint venturers. The firm(s) submitting is expected to sign and notarize the Cone of Silence Certification (Attachment G).</p>	
<p>3. Public Entity Crimes Statement: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit an offer to perform work as a consultant or contract with a public entity, and may not transact business with Broward County for a period of 36 months from the date of being placed on the convicted vendor list. Submit a statement fully</p>	

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<p>describing any violations of this statute by members of the interested firm or its joint venturers.</p>	
<p>4. No Contingency Fees: By responding to this solicitation, each firm warrants that it has not and will not pay a contingency fee to any company or person, other than a bona fide employee working solely for the firm, to secure an agreement pursuant to this solicitation. For Breach or violation of this provision, County shall have the right to reject the firm's response or terminate any agreement awarded without liability at its discretion, or to deduct from the agreement price or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration. Submit an attesting statement warranting that the Responder has not and will not pay a contingency fee to any company or person, other than a bona fide employee working solely for the firm, to secure an agreement pursuant to this solicitation.</p>	
<p>5. Non-Collusion Statement: By responding to this solicitation, the vendor certifies that this offer is made independently and free from collusion. Vendor shall disclose on the attached "Non-Collusion Statement Form" (Attachment I) to their best knowledge, any Broward County officer or employee, or any relative of any such officer or employee as defined in Section 112.3135(1) (c), Florida Statutes (1989), who is an officer or director of, or had a material interest in, the vendor's business, who is in a position to influence this procurement. Any Broward County officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement. For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.</p>	

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<p>Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the Broward County Procurement Code.</p>	
<p>6. Scrutinized Companies List Certification: Any company, principals, or owners on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List is prohibited from submitting a bid, proposal or response to a Broward County solicitation for goods or services in an amount equal to or greater than \$1 million. The certification form is referenced as "Scrutinized Companies List Certification" (Attachment J) and should be completed and submitted with your proposal but must be completed and submitted prior to award.</p>	

Evaluation/Responsibility Criteria -

Experience Requirements

NOTE: In meeting the following Criteria, the County will consider the experience of the Proposer or in the event of a joint venture or partnership anyone of the companies or principals of such company forming the joint venture or partnership.

The Proposer or a principal of Proposer shall have been in continuous existence for at least the last (3) three years and shall have demonstrated experience in operating a rental car business for at least three (3) years.

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<p>Evaluation Criteria – Project-Specific Criteria</p>	<p><i>Provide answers below. If you are submitting a response as a joint venture, you must respond to each question for each entity forming the joint venture. When an entire response cannot be entered, a summary, followed with a page number reference where a complete response can be found is acceptable.</i></p>
<p>Operational Approach:</p> <ul style="list-style-type: none"> a) Describe your organization’s office and corporate customer service program in processing passenger questions, complaints, and other input. b) Describe your organization’s approach to maximizing operational and budgetary efficiency. c) Describe what technologies your organization plans to employ in the operation of this contract. Specify how such technologies will be utilized and how they will benefit the operations. 	
<p>Safety Program:</p> <ul style="list-style-type: none"> a) Describe your organization’s program for safety training, monitoring performance, and employee follow-up (recognition or disciplinary action) b) Describe the key program reports and other management procedures planned to ensure integrity of the safety program. 	
<p>Experience of Key Personnel:</p> <ul style="list-style-type: none"> a) Provide a brief resume of support employees who will furnish professional and or technical support services on this contract. This should include, but not be limited to, the following: (i) their functions in the company; (ii) their title and number of years of service with the company; and (iii) their years of experience in the maintenance of comparably complex facilities and systems. b) Provide a FLL project specific, detailed organizational chart identifying key personnel and job descriptions. 	

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Complete the following items:

- a. Number of years (including dates) that the Proposer or principal of Proposer has operated a rental car business:

- b. Identify if such experience in (a), above, is held by Proposer or principal of Proposer. If held by principal, provide the principal's name and the relationship of the principal to the Proposer, (i.e., majority shareholder, majority partner, corporate officer, franchisee, parent company, etc.):

- c. Proposer or principal of Proposer shall list large-hub airports where they have operated a rental car business in or outside the continental United States, if any.

Contract Location	Term (start/end date)	Annual Gross Revenues	Year of Stated Annual Gross Revenues

For each venue listed above, provide the name, title, telephone number and email address of a contact person who was responsible for managing the Proposers' contract with the venue. Please note that in addition to any contacts listed below, as part of its review of Proposers' qualifications, the County may contact other venues where the Proposer provides rental car concession services.

Location	Contact Name	Title	Telephone Number	Email Address

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Location	Contact Name	Title	Telephone Number	Email Address

d. Identify if such experience in (c), above, is held by Proposer or principal of Proposer. If held by principal, provide the principal's name and the relationship of the principal to the Proposer, (i.e., majority shareholder, majority partner, corporate officer, franchisee, parent company, etc.):

e. Have any agreements held by Proposer or principal of Proposer or a parent or subsidiary of Proposer or principal of Proposer for the operation of a rental car concession or franchise ever been canceled?

Yes _____ No _____

If yes, provide further details: _____

f. Has the Proposer or principal of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this rental car concession ever been sued for issues pertaining to fee payment and/or performance?

Yes _____ No _____

If yes, provide further details: _____

g. Has the Proposer and any principal of Proposer been the subject of any investigations of any State, Federal or local government or agency within the past 5 years?

Yes _____ No _____

If yes, provide further details: _____

h. Has Proposer or principal(s) of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this Concession ever had a bond or surety cancelled or forfeited.

Yes _____ No _____

If yes, provide further details: _____

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Proposed Services

Successful proposers will have the right, privilege, and obligation to conduct and operate a high-quality, well-managed rental car concession from its space, which shall be limited to the renting of passenger car vehicles to Airport Customers, including the sale of any insurance or fuel related thereto, and the providing of any other incidental services, items, and equipment reasonably associated therewith. The terms "passenger car," "car," "vehicle," and similar terms do not include buses, commercial vehicles, or similar vehicles. Successful proposers may not use their space for any purpose other than as expressly provided in the Agreement

The above list is the minimum required for this RFP.

Proposed Business Operations

Provide the proposed brand names, a description of how all of the services will be provided, business hours by location, who will be responsible for the day to day operation of the concession, and describe how their experience is pertinent to this proposed concession operation at the Airport.

Additional lines or pages may be added if necessary.

Proposed Brand Names:

Proposer will operate the following brands/trade names at the Airport, which brands/trade names are wholly owned or controlled by Proposer or licensed to Proposer, on the date of this Proposal, and no other brands/trade names:

Insert brand/trade names below:

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Airport Concession Disadvantaged Business Enterprise (ACDBE) Program/Compliances:

The assigned ACDBE participation goal for this contract is listed below.

Business Enterprise Category	Assigned Participation Goal
Airport Concession Disadvantaged Business Enterprise (ACDBE)	2%

Compliance with ACDBE Goal requirements is a matter of responsibility. Information demonstrating such compliance must be submitted with your response to the solicitation. You must at least show an attempt to meet the ACDBE Goal by providing Letters of Intent (LOI). Alternatively, you may show your good faith efforts to meet the ACDBE Goal by providing the documents listed in the subsections below. Your failure to meet the ACDBE Goal or demonstrate good faith efforts to meet the ACDBE Goal shall be grounds for a finding of non-responsibility. In connection with the ACDBE Goal, you may be deemed responsible in one of two ways.

The first way in which you may be deemed responsible is by submitting LOIs (Attachment A1) executed with certified ACDBE firms which, cumulatively, fully meet the goal.

If you are unable to fully meet the ACDBE Goal, the second way you may be deemed responsible is by demonstrating your good faith efforts to meet the goal (“Good Faith Efforts”) and submitting a completed Application for Evaluation of Good Faith Effort (Attachment B2). Such Good Faith Efforts shall be consistent with the Guidance Concerning Good Faith Efforts provided by the federal Department of Transportation, found in 49 CFR 26, Appendix A. Without limiting the preceding sentence, documentation you may submit to demonstrate your Good Faith Efforts may include but is not limited to:

- Providing timely solicitation activities to certified ACDBE firms, including attendance at pre-proposal meetings, advertisements, or written notices;
- Identifying appropriate contract portions and scopes of work that certified ACDBE firms could potentially perform;
- Providing timely and adequate information to the certified ACDBE firms (including plans and specifications);
- Good faith negotiation with each interested, certified ACDBE firm (including names and contact information of each ACDBE firm considered) with an explanation as to why negotiations failed and;
- Investigating ACDBE qualifications and capabilities; list reason(s) if a certified ACDBE firm is rejected.

Additional Factors in Review of Good Faith Efforts: In evaluating your Good Faith Efforts, the County may also consider the success other persons or entities that have responded to the solicitation have had in meeting the ACDBE Goal.

Opportunity to Cure. OESBD shall review your response to the solicitation. If OESBD discerns your intent to meet the ACDBE Goal, but determines that your response contains technical errors or requires further documentation, then OESBD may provide you with three (3) business days to correct those errors or provide documentation.

Program Requirements for ACDBE participation:

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For a firm's participation to be considered in meeting the ACDBE Goal, the firm must be certified as an ACDBE to perform the applicable work no later than the date Proposer's response to the solicitation is due to the Aviation Department.

Additionally, a certified ACDBE firm may only participate in a contract if it is performing a commercially useful function. A certified ACDBE firm performs a commercially useful function when it is responsible for execution of the work of the contract and is carrying out its responsibilities by actually performing, managing, and supervising the work involved. To perform a commercially useful function, the certified ACDBE firm must also be responsible, with respect to materials and supplies used on the contract, for negotiating price, determining quality and quantity, ordering the material, and installing (where applicable) and paying for the material itself.

ACDBE participation shall be counted in accordance with 49 CFR 23.55.

Nothing herein shall be construed to indicate that a higher level of certified ACDBE firm involvement above the stated goal will give any person or entity that has responded to the solicitation an advantage over other responders who have met the ACDBE Goal or shown Good Faith Efforts, as determined by the County.

Surety Information

Has Proposer or principal(s) of Proposer or a parent or subsidiary of Proposer or principal of Proposer identified to provide services under this Concession ever had a bond or surety cancelled or forfeited?

Yes _____ No _____

If yes, provide further information: _____

Courtesy Training Program

Does the Proposer or Principal of Proposer currently have a Courtesy Training Program?

Yes ___ No ___

If yes, provide details. _____

If no, will Proposer send its employees to SUNSational Service training if offered by the County?

Yes _____ No _____

Proposer Certification

By responding and signing this RFP, Proposer attests that the information submitted to the County is true, correct and accurate. The Proposer also agrees that any false, inaccurate,

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misleading, exaggerated, or incorrect information provided as part of their submittal could be deemed inappropriate and/or non-responsive and shall be disqualified from further consideration.

PROPOSER

DATE:

Signature

Print Name

Title

ATTACHMENTS



Attachment A2 – Evaluation of Good Faith Effort

APPLICATION FOR EVALUATION OF GOOD FAITH EFFORT
PURSUANT TO
TITLE 49 CFR PARTS 23 AND 26

SOLICITATION NO.:

Please check one of the following to indicate the program goal on this solicitation: ACDBE DBE

PROJECT NAME:

ADDRESS:

TELEPHONE: _____ FAX: _____

The undersigned representative of the prime contractor affirms that his/her company has contacted Disadvantaged Business Enterprise (DBE)/ Airport Concessions Disadvantaged Business Enterprise (ACDBE) certified firms in good faith effort to meet the DBE or ACDBE goal for this solicitation but has not been able to meet the goal. Consistent with the requirements of Title 49 CFR Part 26, Appendix A, the prime contractor hereby submits documentation (attached to this form) of good faith efforts made and requests to be evaluated under these requirements.

The prime contractor understands that a determination of good faith effort to meet the contract goal is contingent on both the information provided by the prime contractor as an attachment to this application and the other factors listed in Appendix A, of Title 49 CFR Part 26, as those factors are applicable with respect to this solicitation. The prime contractor acknowledges that the determination of good faith effort is made by the Director of the Office of Economic and Small Business Development, as the Disadvantaged Business Enterprise Liaison Officer (DBELO), in keeping with federal requirements.

SIGNATURE: _____

PRINT NAME/ TITLE: _____

DATE: _____

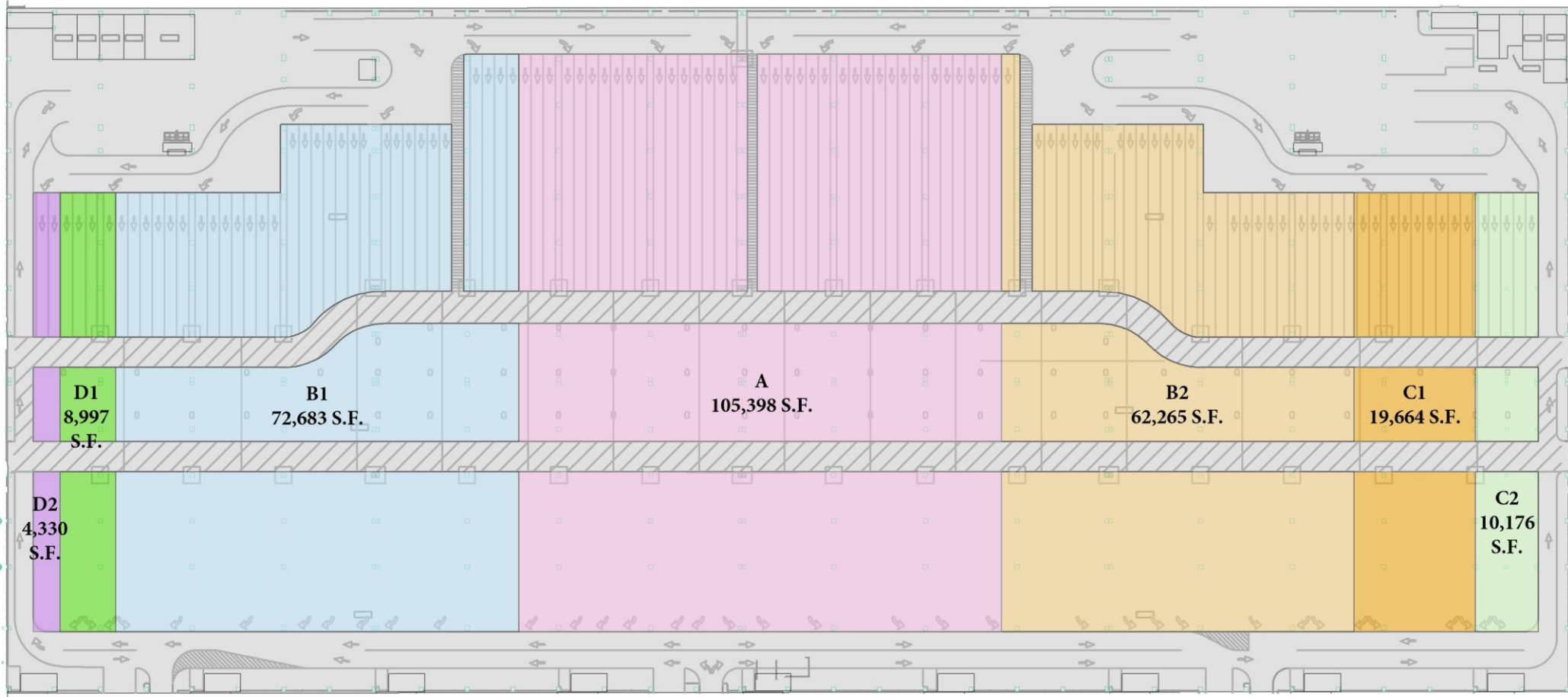
Attachment B - Premises

Attachment B - Premises

RCC - Level 1

Total Area - 455,560 S.F.

Leased Area - 283,513 S.F.

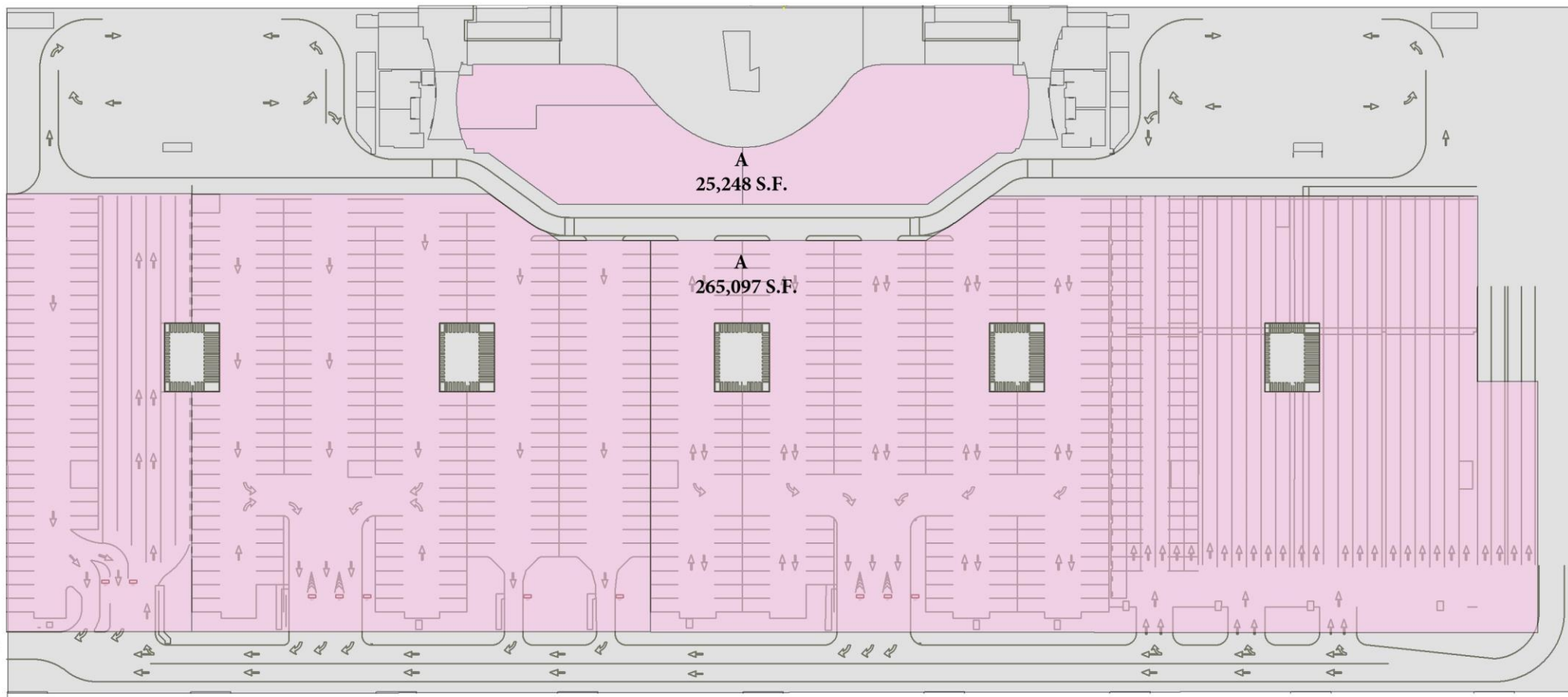


Attachment B - Premises

RCC - Level 2

Total Area - 455,560 S.F.

Leased Area - 290,345 S.F.

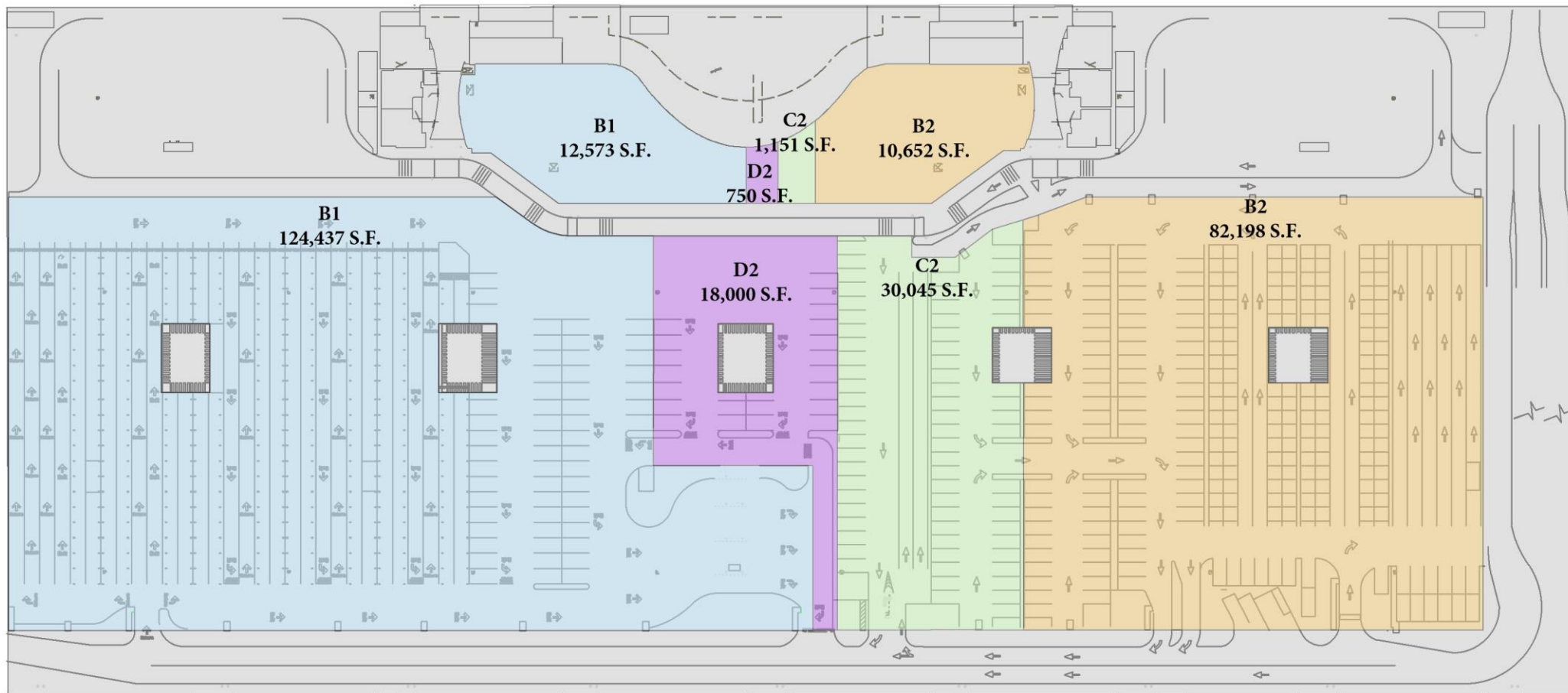


Attachment B - Premises

RCC - Level 3

Total Area - 455,560 S.F.

Leased Area - 279,806 S.F.

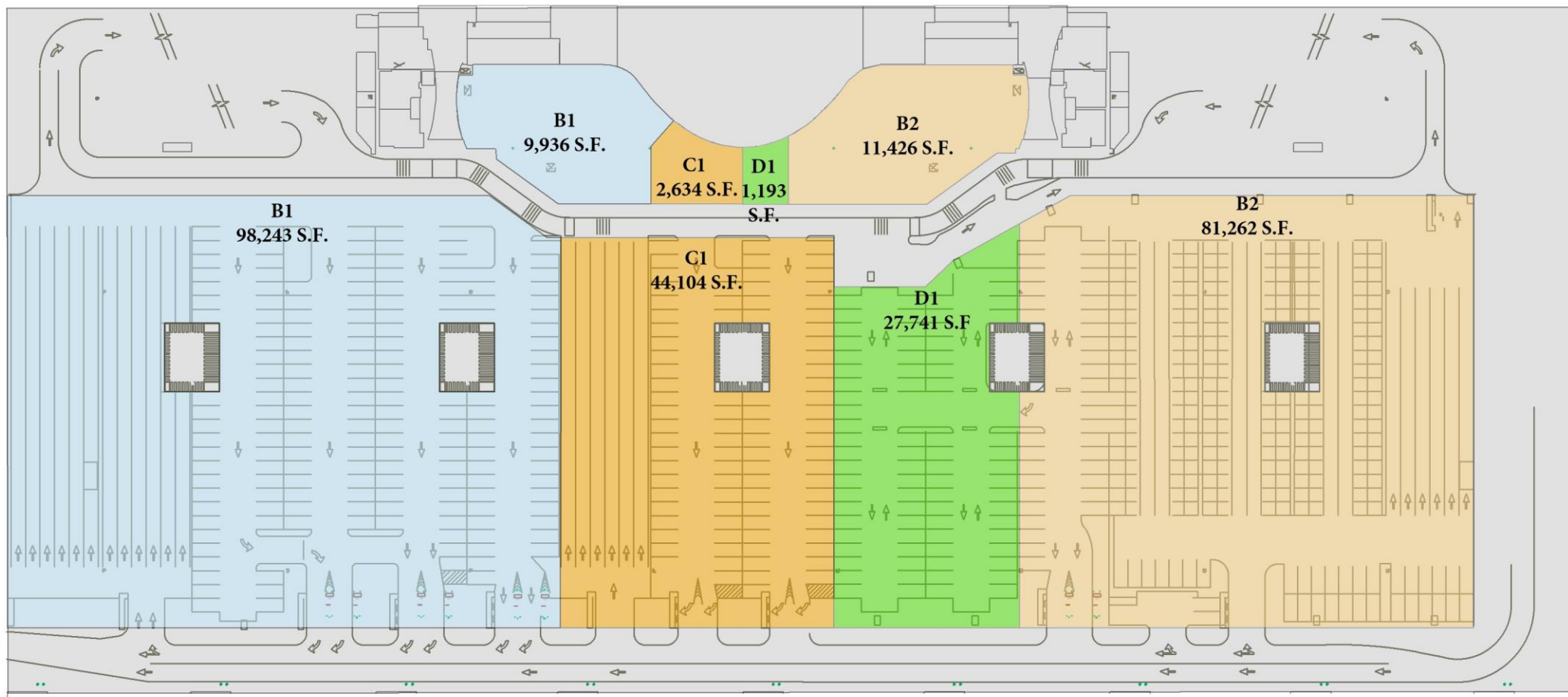


Attachment B - Premises

RCC - Level 4

Total Area - 455,560 S.F.

Leased Area - 276,539 S.F.



Attachment B - Premises

RCC - Level 5
Total Area - 455,560 S.F.
Leased Area - 275,685 S.F.





**Attachment C - Vendor's List
(Non-Certified Subcontractors and Suppliers Information)**

THIS FORM SHOULD BE SUBMITTED WITH THE RFP; HOWEVER, IT MUST BE SUBMITTED WITHIN 5 CALENDAR DAYS OF COUNTY'S REQUEST.

Provide this information for any sub vendor(s) who will provide a service to the County for this solicitation. This includes major suppliers as well.

-
1. Firm's Name: _____
 2. Firm's Address: _____
 3. Firm's Telephone Number: _____ Firm's Email Address: _____
 4. Contact Name and Position: _____
 5. Alternate Contact Name and Position: _____
 6. Alternate Contact Telephone Number: _____ Email Address: _____
 7. Bid/Proposal Number: _____ Contracted Amount: _____
 8. Type of Work/Supplies Bid: _____ Award Date: _____
-

1. Firm's Name: _____
 2. Firm's Address: _____
 3. Firm's Telephone Number: _____ Firm's Email Address: _____
 4. Contact Name and Position: _____
 5. Alternate Contact Name and Position: _____
 6. Alternate Contact Telephone Number: _____ Email Address: _____
 7. Bid/Proposal Number: _____ Contracted Amount: _____
 8. Type of Work/Supplies Bid: _____ Award Date: _____
-

I certify that the information submitted in this report is in fact true and correct to the best of my knowledge

<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Signature	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Title	<hr style="border: none; border-top: 1px solid black; margin-bottom: 5px;"/> Date
--	--	---

Note: the information provided herein is subject to verification by the Aviation Department. Use additional sheets for more subcontractors or suppliers as necessary.

Attachment D - Lobbyist Registration – Certification

This certification form should be completed and submitted with your proposal. If not included with the RFP submittal at the time of the RFP opening deadline, the Lobbyist Certification Form must be completed and returned by a date and time certain established by the County.

The Vendor, by virtue of the signature below, certifies that:

- a. It understands if it has retained a lobbyist(s) to lobby in connection with a competitive solicitation, it shall be deemed non-responsive unless the firm, in responding to the competitive solicitation, certifies that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262, Broward County Code of Ordinances; and
- b. It understands that if, after awarding a contract in connection with the solicitation, the County learns that the certification was erroneous, and upon investigation determines that the error was willful or intentional on the part of the vendor, the County may, on that basis, exercise any contractual right to terminate the contract for convenience.

Based upon these understandings, the vendor further certifies that: (Check One)

- 1. _____ It has not retained a lobbyist(s) to lobby in connection with this competitive solicitation; however, if retained after the solicitation, the County will be notified.
- 2. _____ It has retained a lobbyist(s) to lobby in connection with this competitive solicitation and certified that each lobbyist retained has timely filed the registration or amended registration required under Section 1-262, Broward County Code of Ordinances.
- 3. _____ It is a requirement of this solicitation that the names of any and all lobbyists retained to lobby in connection with this solicitation be listed below:

Print Name of Lobbyist	Print Lobbyist's Firm
Print Name of Lobbyist	Print Lobbyist's Firm
	(Vendor Signature)
	(Print Vendor Name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by _____ as _____ of _____

(Name of person whose signature is being notarized) (Title)

_____ known to me to be the person described herein, or who produced _____ as identification, and who did/did not take an oath.

(Type of Identification)

NOTARY PUBLIC: _____ My commission expires: _____

(Signature)

(Print Name)

Attachment E - Litigation History

RFP#: _____ MATERIAL CASE SYNOPSIS	<input type="checkbox"/> Vendor : _____ <input type="checkbox"/> Vendor's Parent Company: _____ <input type="checkbox"/> Vendor's Subsidiary Company: _____ <input type="checkbox"/> Vendor's Predecessor Organization: _____
Party	Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/>
Case Name	
Case Number	
Date Filed	
Name of Court or other tribunal	
Type of Case	Civil <input type="checkbox"/> Administrative/Regulatory <input type="checkbox"/> Criminal <input type="checkbox"/> Bankruptcy <input type="checkbox"/>
Claim or Cause of Action and Brief description of each Count	
Brief description of the Subject Matter and Project Involved	
Disposition of Case (Attach copy of any applicable Judgment, Settlement Agreement and Satisfaction of Judgment.)	Pending <input type="checkbox"/> Settled <input type="checkbox"/> Dismissed <input type="checkbox"/> Judgment Vendor's Favor <input type="checkbox"/> Judgment Against Vendor <input type="checkbox"/> If Judgment Against, is Judgment Satisfied? Yes <input type="checkbox"/> No <input type="checkbox"/>
Opposing Counsel	Name: Email: Phone number:

NAME OF COMPANY: _____



Attachment F - Insurance Requirements

Insurance Requirements for RAC Concession

the following coverage's are deemed appropriate for minimum insurance requirements for this project and will be required of the selected firm and identified in the negotiated agreement. Any deviation or change during the contract negotiation period shall be approved by Risk Management.

TYPE OF INSURANCE 1. ALL COI's be submitted on an ACCORD 25 form 2. ALL deductibles are vendors responsibility 3. Self Insurance and SIR's are not approved	Limits on Liability in Thousands of Dollars		
		Each Occurrence	Aggregate
GENERAL LIABILITY <input checked="" type="checkbox"/> Commercial General Liability <input checked="" type="checkbox"/> Premises-Operations <input checked="" type="checkbox"/> Explosion & Collapse Hazard <input checked="" type="checkbox"/> Underground Hazard <input checked="" type="checkbox"/> Products/Completed Operations Hazard (5 years) <input checked="" type="checkbox"/> Contractual Insurance <input checked="" type="checkbox"/> Broad Form Property Damage <input checked="" type="checkbox"/> Personal Injury <input checked="" type="checkbox"/> mobil equipment	Bodily Injury		
	Property Damage		
	Bodily Injury and Property Damage Combined	\$ 5 mil	\$ 5 mil
	Personal Injury		
AUTO LIABILITY <input checked="" type="checkbox"/> Comprehensive Form <input checked="" type="checkbox"/> Owned <input checked="" type="checkbox"/> Hired <input checked="" type="checkbox"/> Non-owned <input checked="" type="checkbox"/> Any Auto If applicable	Bodily Injury (each person)		
	Bodily Injury (each accident)		
	Property Damage		
	Bodily Injury and Property Damage Combined	\$300 k landside \$ 5 mil airside	
EXCESS LIABILITY <input type="checkbox"/> Umbrella Form <input type="checkbox"/> Other than Umbrella Form	Bodily Injury and Property Damage Combined	\$	\$
<input checked="" type="checkbox"/> POLLUTION		\$ 5 mil	\$ 5 mil
<input checked="" type="checkbox"/> All Risk Property	100% of the replacement value		
<input checked="" type="checkbox"/> WORKER'S COMPENSATION AND EMPLOYER'S LIABILITY (NOTE *)	<input checked="" type="checkbox"/> STATUTORY Dollar values only:		
		(each accident)	500K MIN

Description of Operations/Locations/Vehicles Certificate must show on general liability and excess liability **Additional Insured: Broward County. Also when applicable certificate should show Broward County as a named insured for property and builders risk and as a loss payee for installation floater when coverage's are required. Certificate Must be Signed and All applicable Deductibles shown. Indicate bid number, RLI,RFP, and project manager on COI.**

NOTE * - If the Company is exempt from Workers' Compensation Coverage, please provide a letter on company letterhead or a copy of the State's exemption which documents this status and attaché to the Certificate of Insurance for approval. If any operations are to be undertaken on or about navigable waters, coverage must be included for U.S. Longshoremen & Harbor Workers' Act/ & Jones Act
CANCELLATION: Thirty (30) Day written notice of cancellation required to the Certificate Holder:

Name & Address of Certificate Holder
 Broward County
 2200 SW 45th Street, Suite #101,
 Dania Beach, FL 33312
 administration

 Date Issued
 InsuranceLimitsForm.03 Revised certificateofinsurance2005.DOC COI

Attachment G - Cone of Silence Certification

The undersigned vendor hereby certifies that:

- 1. _____ the vendor has read Broward County's Cone of Silence Ordinance, Section 1-266, Article xiii, Chapter 1 as revised of the Broward County Code; and**
- 2. _____ the vendor understands that the Cone of Silence for this competitive solicitation shall be in effect beginning upon the appointment of the Evaluation Committee (for Requests for Proposals - RFPs) or Selection Committee (for Request for Letters of Interest - RLIs) for communication regarding this RFP/RLI with the County Administrator, Deputy and Assistants to the County Administrator and their respective support staff or any person, including Evaluation or Selection Committee members, appointed to evaluate or recommend selection in this RFP/RLI process. For Communication with County Commissioners and Commission staff, the Cone of Silence allows communication until the initial Evaluation or Selection Committee Meeting.**
- 3. _____ the vendor agrees to comply with the requirements of the Cone of Silence Ordinance.**

(Vendor Signature)

(Print Vendor Name)

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 20____, by

_____ as _____ of
(Name of person whose signature is being notarized) (Title)

_____ known to me to be the person described herein, or who produced
(Name of Corporation/Company)

_____ as identification, and who did/did not take an oath.
(Type of Identification)

NOTARY PUBLIC:

(Signature)

(Print Name)

My commission expires: _____



Attachment H - Drug Free Workplace Policy Certification

THE UNDERSIGNED VENDOR HEREBY CERTIFIES THAT:

1. THE VENDOR HAS A DRUG FREE WORKPLACE POLICY AS IDENTIFIED IN THE COMPANY POLICY ATTACHED TO THIS CERTIFICATION.

AND/OR

2. THE VENDOR HAS A DRUG FREE WORKPLACE POLICY THAT IS IN COMPLIANCE WITH SECTION 287.087 OF THE FLORIDA STATUTES.

AND/OR

3. THE VENDOR HAS A DRUG FREE WORKPLACE POLICY THAT IS IN COMPLIANCE WITH THE BROWARD COUNTY DRUG FREE WORKPLACE ORDINANCE # 1992-08, AS AMENDED, AND OUTLINED AS FOLLOWS:

- (a) Publishing a statement notifying its employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the offeror's workplace...
(b) Establishing a continuing drug-free awareness program to inform its employees about:
(c) Giving all employees engaged in performance of the contract a copy of the statement required by subparagraph (a);
(d) Notifying all employees, in writing, of the statement required by subparagraph (a)...
(e) Notifying Broward County government in writing within 10 calendar days after receiving notice under subdivision (d) (ii) above...
(f) Within 30 calendar days after receiving notice under subparagraph (d) of a conviction, taking one of the following actions with respect to an employee who is convicted of a drug abuse violation...
(g) Making a good faith effort to maintain a drug-free workplace program through implementation of subparagraphs (a) through (f).

OR

4. THE VENDOR DOES NOT CURRENTLY HAVE A DRUG FREE WORKPLACE POLICY BUT IS WILLING TO COMPLY WITH THE REQUIREMENTS AS SPECIFIED IN NO. 3

(VENDOR SIGNATURE)

(PRINT VENDOR NAME)

STATE OF

COUNTY OF

The foregoing instrument was acknowledged before me this day of, 20, by

as of (Name of person whose signature is being notarized) (Title)

known to me to be the person described herein, or who produced (Name of Corporation/Company)

as identification, and who did/did not take an oath. (Type of Identification)

NOTARY PUBLIC:

(Signature)

(Print Name)

My commission expires:



Attachment I - Non-Collusion Statement Form

By signing this offer, the vendor certifies that this offer is made independently and free from collusion. Vendor shall disclose below, to their best knowledge, any Broward County officer or employee, or any relative of any such officer or employee as defined in Section 112.3135 (1) (c), Fla. Stat. (1989), who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement. Any Broward County officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement. For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the Broward County Procurement Code.

NAME

RELATIONSHIP

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

(Vendor Signature)

(Print Vendor Name)

In the event the vendor does not indicate any names, the County shall interpret this to mean that the vendor has indicated that no such relationships exist.

(Form is to be signed even if no names are listed)



Attachment J - Scrutinized Companies List Certification

This certification form should be completed and submitted with your proposal but must be completed and submitted prior to award.

The Vendor, by virtue of the signature below, certifies that:

- a. The Vendor, owners, or principals are aware of the requirements of Section 287.135, Florida Statutes, regarding Companies on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
- b. The Vendor, owners, or principals, are eligible to participate in this solicitation and not listed on either the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List; and
- c. If awarded the Contract, the Vendor, owners, or principals will immediately notify the COUNTY in writing if any of its principals are placed on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List.

(Authorized Signature)

(Print Name and Title)

(Name of Firm)

STATE OF _____
COUNTY OF _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ (name of person whose signature is being notarized) as _____ (title) of _____ (name of corporation/entity), known to me to be the person described herein, or who produced _____ (type of identification) as identification, and who did/did not take an oath.

NOTARY PUBLIC:

(Signature)

State of _____ at Large (SEAL)

(Print name)

My commission expires: _____