

REQUEST FOR PROPOSAL (RFP)

Concessionaire Food Service License at County Parks

Issued: January 28, 2013

RFP ID #: 028-13-1

1. INTRODUCTION:

NOTICE IS HEREBY GIVEN that pursuant to a fair and open process, sealed proposals will be received and reviewed by the County of Lackawanna ("COUNTY") for the awarding of Concessionaires Licenses to set-up and sell food at the County's four (4) parks -McDade, Covington, Aylesworth, and Merli-Sarnoski

Submission Deadline:

Respondents must submit their written proposal by 1:00 p.m. prevailing time on February 26, 2013

Proposals received will be reviewed and evaluated by the Board, based upon such criteria as the Board, in its sole discretion, deems appropriate. The Board reserves the right to request clarification or additional information from any respondent. The Board, in its sole discretion, may accept the proposal of a respondent, may choose a respondent with which the Board will enter into negotiations, or may reject all proposals.

The Board reserves the opportunity to modify this Request for Proposal at its own discretion and without prior notice, and to waive any immaterial defect or informality in any proposal as may be permitted by law.

2. PURPOSE:

The purpose of this Request for Proposal is to solicit proposals from qualified providers who can provide food service to the general public in a county park, recreation area or county property in accordance with all federal, state and local regulations and within the requirements set forth by this document. There will be a written agreement between the successful Proposer and Lackawanna County.

3. PROCEDURES FOR RESPONDING TO REQUEST FOR QUALIFICATIONS:

Four (4) copies of the proposal must be provided. Proposals must be submitted to the Board of Commissioners, **c/o David Pettinato, Deputy Director of Purchasing, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503**. Proposals must be submitted in a sealed envelope with the name of the firm submitting the proposal and the Proposal ID number clearly marked on the outside of the envelope. The County assumes no responsibility for delays in any form of carrier, mail, or delivery service causing the submission to be received after the above referenced due date and time. Submissions by fax, telephone, or email is not permitted. The final selection will be made in the sole discretion of the Board.

4. PRE-PROPOSAL MEETINGS:

There will be an opportunity for prospective Proposers to meet with the County staff for a Question and Answer session:

Date: February 6, 2013

Time: 10:00 AM

Location: Commissioner's Conference Room, 6th Floor, 200 Adams Ave, Scranton PA 18433

PRE-PROPOSAL MEETING

Contact for this RFP is David Pettinato: pettinatod@lackawannacounty.com

5. QUESTIONS:

Questions can be submitted prior to the Pre-Proposal Meeting via email to: pettinatod@lackawannacounty.com

* However, no answers will be provided and/or circulated prior to the Pre-Proposal Meeting.

* Questions will be answered by the appropriate individuals and answered within 3 business days via email with a return reply acknowledging receipt of the email request.

* QUESTIONS AND ANSWERS WILL BE SHARED WITH ALL PROPOSERS.

All questions pertaining to this RFP must be submitted on or before: February 22, 2013 by 4:00 PM

6. CRITERIA FOR EVALUATION OF PROPOSAL:

The Board will independently evaluate each submission and selection will be made upon the following criteria:

- * Experience and reputation with respect to the food service field.
- * Experience and reputation with respect to representation of governmental entities.
- * Knowledge of the subject matter of the services to be provided to the County.
- * Ability to meet timelines and schedules for completion on an expedited basis as set forth by the Board; Availability to accommodate any required meetings of the Board or Park Staff
- * Other factors determined to be in the best interest of the County is at the Board's sole discretion.
- * The proposer must submit a copy of a current financial report.
- * The proposer shall submit a list of five (5) references, including name of institution, address, and contact person and phone number.

7. PROPOSAL:

Each proposal must be in sufficient detail to permit evaluation, at a minimum, with respect to the following issues.

Proposals must include the information that is specifically requested herein as well as such additional information as a respondent deems relevant to the process. Each respondent agrees that the proposal submitted constitutes a firm offer to the County that cannot be withdrawn for ninety (90) days from the proposal due date.

1. Scope of Services/Prior Experience - All submittals must detail the following:

Proposed services, desired location(s) along with type of food proposed and the firm's experience in providing such services.

2. Personnel – All submittals must include the following:

- * Name, address, and brief description of your firm along with primary contact;
- * The name, address, experience, and qualifications of the individual employee(s) who would be primarily responsible for performing services;
- * License numbers of all vehicles from which the proposer proposes to conduct business.

3. General - All submittals must provide

- * A statement of assurance that your firm is not currently in violation of any regulatory rules and regulations that may have any impact on your firm's operations; and
- * A statement that your firm or principals are not involved in any current or pending litigation involving Lackawanna County, or any of its Departments or Authorities.
- * Submit an original, signed letter from the Pennsylvania Department of Health, certifying the proposer's has complied with Health Department regulations, as required.

PROPOSERS SHOULD NOTE THAT ANY AND ALL WORK INTENDED TO BE SUBCONTRACTED AS PART OF THE SUBMITTAL MUST BE ACCOMPANIED BY BACKGROUND MATERIALS AND REFERENCES FOR PROPOSED SUBCONTRACTORS(S) -- NO EXCEPTIONS

8. LICENSE:

1. The County of Lackawanna shall issue one (1) concessionaire license per park, recreation area and other county property, for the sole and exclusive right of the licensee to sell food and other permitted goods and services within that designated county property.
2. Said license shall be awarded based upon a proposal and application review to be administered through the Lackawanna County Parks and Recreation Department.
3. The successful proposal shall be based upon the information contained in the application and

proposal.

4. The successful applicant shall be required to provide a criminal background check and child abuse clearance letter for each employee who will be operating said concessions on the county property.
5. A license issued under this Ordinance shall expire one (1) year from the date of issue.
6. Licenses issued shall not be transferable.

9. CONCESSIONAIRE'S STANDARDS:

All concessionaires shall conform to the following standards:

1. Geographical Restrictions. No concessionaire utilizing a mobile vehicle or cart for their business shall sell or vend from their vehicle or conveyance:
 - * Within 300 feet of any park or non-profit event without written prior approval from the Lackawanna County Parks and Recreation Department Head.
2. No licensee shall obstruct or cause to be obstructed the passage of a sidewalk, street, avenue, alley or any other public place by causing people to congregate at or near the place where food is being sold or offered for sale.
3. All licensees shall provide garbage receptacles for customer use.
4. No licensee shall locate his or her vehicle or other conveyance in such a manner as to cause a traffic hazard.
5. At the conclusion of business activities at a given location the licensee shall clean all the public way surrounding their place of business of all debris, trash and litter generated by the licensee's business activities.
6. All licensees' preparing food by cooking, frying or other means shall be equipped with at least one 2A-40-BC fire extinguisher.
7. A licensee shall not construct any permanent structure or attached a structure to any existing building on county property, without first receiving express, written consent to do so.
8. All licensees' shall conclude daily business activities at sunset.

10. INSURANCE REQUIREMENT:

No license shall be issued to a concessionaire unless a Certificate of Insurance, naming Lackawanna County as an additional insured, is furnished to the county showing that the applicant is carrying the following minimum amounts of insurance, as follows:

1. General Liability Insurance in an amount of not less than \$1,000,000 combined single limit Bodily Injury and Property Damage per occurrence and annual aggregate.
2. Vendor's General Liability coverage is to be PRIMARY coverage in the event of a claim involving the vendor's service to the County

11. REVOCATION OF LICENSE:

A license issued pursuant to this Ordinance may be revoked, in writing, by the county for any of the following reasons:

1. Any fraud, misrepresentation or false statement contained in the application for License.
2. Any fraud, misrepresentation or false statement made in connection with the selling of products.
3. Any violation of the provisions of this Ordinance.
4. Conviction of the licensee of a felony or of a misdemeanor involving moral turpitude.
5. Conducting the business licensed under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

Upon revocation of a concessionaire's license for any of the enumerated reasons set forth in Section A said licensee shall forfeit their license fee.

A licensee shall have the right to appeal the revocation of their license to the Lackawanna County Board of Commissioners. Said appeal must be filed in writing, within twenty (20) days from the date of the notice of revocation, and filed with the Commissioners' Office and County Solicitor. Upon receipt of any appeal, the Solicitor shall schedule a Hearing before the Board of Commissioners within Fifteen (15) business days of receipt of the notice of appeal. The Hearing shall be conducted by the County Solicitor, and the Licensee and a representative of the Parks and Recreation Department shall be given an opportunity to be heard and present evidence to the Board of Commissioners. The Board shall have the right to call any witnesses, or consider any evidence it considers pertinent to the matter. The Board shall issue a written decision within Fifteen (15) business days following the Hearing, either granting the appeal or upholding the revocation.

12. FINES/PENALTIES:

Any person, firm, organization or corporation violating any provision of this Ordinance shall upon conviction thereof be fined not more than Three Hundred (\$300.00) Dollars, plus cost, for each such offense, and in default of payment shall be imprisoned for a period of not more than Thirty (30) days, and each day that a violation occurs or continues shall be deemed a separate offense.

13. ENFORCEMENT:

Any provision of this Ordinance may be enforced by the Sheriff of Lackawanna County or any Municipal Police Officer.

14. CONFLICT OF INTEREST:

All submittals must state that there are no conflicts of interest to which the firm would be subject if it were to provide the requested services on behalf of the County.

15. COMMUNICATION WITH ELECTED OR APPOINTED OFFICIALS

All communications during this process should be directed to the appropriate contact listed in this Request for Proposals. Any firm/individual that makes any effort to communicate with any other official of Lackawanna County, either directly or indirectly, during this process will be EXCLUDED from consideration.

12. CONFIDENTIALITY:

This Request for Proposal, and all proposals received in response, will remain confidential (with the exception of information that was previously public information), and will not be used for any purpose other than the evaluation of the proposals received by the Board. Each respondent, by responding to this Request, acknowledges the terms expressed above and agrees to safeguard the details of this process and the contents of this document. If your organization does not agree to these conditions concerning confidentiality, or if you elect not to respond to this Request for Proposal, please return this Request to the Board and retain no copies thereof.

**Lackawanna County
Qualification Base Selection Process**

The statement of qualifications will be evaluated in accordance with the County's Qualifications Base Selection Process. Anyone submitting a statement of qualifications is advised to review that process, which is set forth on the County's website.

PROPOSAL