

**LACKAWANNA COUNTY BOARD OF COMMISSIONERS  
REQUEST FOR PROPOSALS**

**DATE ISSUED: JUNE 28, 2011**

**NOTICE IS HEREBY GIVEN** that pursuant to a fair and open process, sealed submissions will be received by Lackawanna County (the "County"), c/o Maria Elkins, Chief of Staff, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503, on Monday, August 1, 2011 at 4:00 p.m., Eastern Standard Time.

1. **PURPOSE:** The purpose of this Request for Proposal is to solicit interest from qualified concert promotion and management firms to provide concert promotion and management services to the County. A qualified firm will be selected through a fair and open process at the sole discretion of the County.
  
2. **PROCEDURES FOR RESPONDING TO REQUEST FOR PROPOSALS:**
  - a. Six (6) copies of the proposal must be provided;
  - b. Proposals must be submitted to Lackawanna County, c/o Maria Elkins, Chief of Staff, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503, with the name of the firm submitting the proposal clearly marked on the outside of the envelope;
  - c. 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;
  - d. Submissions by fax, telephone or email are not permitted;
  - e. The final selection will be made in the sole discretion of the County;
  - f. The County reserves the right to reject any or all offers, waive any defects or negotiate for better terms; and
  - g. All questions regarding the specifications should be submitted in writing to Lackawanna County, c/o Maria Elkins, 200 Adams Avenue, 6th Floor, Scranton, Pennsylvania 18503, (570) 963-6800, or at [elkinsm@lackawannacounty.org](mailto:elkinsm@lackawannacounty.org). Upon written request, an Authority official, Lackawanna County Chief of Staff or their designee will be made available by telephone, on an appointment basis only, to answer questions of potential respondents and provide tours of the Toyota Pavilion.
  
3. **PROPOSAL REQUIREMENTS:**
  - a. The Proposal will require that the selected qualified firm negotiate a project labor agreement with the Scranton Building and Construction Trades Council;
  - b. The Proposal will require that the selected qualified firm negotiate an agreement with the International Alliance of Theatrical Stage Employees Local 329;
  - c. The selected qualified firms must promote concerts at the Toyota Pavilion located in Lackawanna County, Pennsylvania, which will include booking acts and handling all aspects of the promotion process with talent;

- d. The selected qualified firm must provide all management services necessary to operate the Toyota Pavilion to include booking acts, day-to-day operational needs, sole responsibility for payment of all capital expenditures, improvements, utilities and maintenance and payment of all expenses associated with the Toyota Pavilion, including, but not limited to, payment for security, which is required to be provided by the Lackawanna County Sheriff's Office pursuant to the Lackawanna County Home Rule Charter;
  - e. The selected qualified firm must agree to maintain and pay for all necessary, required and appropriate insurance coverage, as required by the County;
  - f. The selected qualified firm must provide full indemnification to the County of Lackawanna for all activities conducted at the Toyota Pavilion; and
  - g. The Toyota Pavilion is owned by the County of Lackawanna and will continue to be owned by the County of Lackawanna. However, the County of Lackawanna wish to turn over full operational control to the selected qualified firm in exchange for a 5-year lease from the selected qualified firm or, preferably, a 10-year lease from the selected qualified firm.
4. PRICING INFORMATION IN PROPOSALS: Respondents should include two proposed pricing models, if desired:
- a. A proposed total annual lease payment for a minimum 5-year lease of the Toyota Pavilion taking into consideration the above listed requirements; and
  - b. If desired, a proposed total annual lease payment for a 10-year lease of the Toyota Pavilion taking into consideration the above listed requirements.
5. GENERAL INFORMATION REQUESTED: Each proposal must be in sufficient detail to permit evaluation, at a minimum, with respect to the following issues:
- a. All submittals must detail the services proposed to be provided and the firm's experience in providing such services;
  - b. All proposals submitted to the County must include the name, address, and brief description of your firm;
  - c. The names, experience, and qualifications of the individual(s) who would be primarily responsible for performing services;
  - d. 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;
  - e. A statement that your firm is not involved in any current litigation with the Authority or the County of Lackawanna; and
  - f. Proposals must include the information that is specifically requested herein as well as such additional information as a respondent deems relevant to the process.

6. CRITERIA FOR EVALUATION OF PROPOSALS: The County will independently evaluate each submission and selection will be made upon the following criteria:
  - a. Experience and reputation in the concert promotion and management field;
  - b. Experience and reputation with respect to working with governmental entities;
  - c. Knowledge of the subject matter of the services to be provided to the County;
  - d. Analysis of annual lease payment; and
  - e. Other factors determined to be in best interest of the County, in the County's sole discretion.
  
7. FINANCIAL INFORMATION AVAILABLE TO ASSIST IN PREPARATION OF PROPOSAL: Upon a request made pursuant to Section 2(g) of this Request for Proposals, a requesting respondent will be provided with historical, public financial information related to the annual operation of the Toyota Pavilion to assist the respondent in preparing its proposal.
  
8. THE AGREEMENT: 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. The County, in its sole discretion, may accept the proposal of a respondent, may choose a respondent with which the County will enter into negotiations, or may reject all proposals.
  
9. COMMUNICATION WITH ELECTED OR APPOINTED OFFICIALS: All communications during this process should be directed to the appropriate contact listed in Section 2(g) of this Request for Proposals. Any firm that makes any effort to communicate with any other official of Lackawanna County or the Authority, either directly or indirectly, during this process will be EXCLUDED from consideration.
  
10. NO OBLIGATION TO ENTER INTO AN AGREEMENT: While it is the County's intent to proceed with this Proposal as indicated by issuance of this Request for Proposals, this process does not obligate the County to enter into an agreement. The County reserves the right to cancel this process at any time without obligation to pay for any costs incurred in the preparation or submission of the response.
  
11. RESERVATION OF RIGHTS: The County reserves the right to request clarification or additional information from any respondent. The County reserves the opportunity to modify this Request for Proposals 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.
  
12. CONFLICT OF INTEREST: All submissions 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.

13. CONFIDENTIALITY: Information obtained from this Request for Proposals, and all proposals received in response, will remain confidential (with the exception of information that was previously public information or is otherwise subject to public disclosure), and will not be used for any purpose other than the evaluation of the proposals received by the County. 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 all documents related thereto.
  
14. AMENDMENTS: The County reserves the right to amend the terms of this Request for Proposals without public notice. All respondents will be provided with any and all amendments without public notice.