

**PURCHASING DIVISION
101 EAST 11th STREET, CITY HALL, SUITE G-13
CHATTANOOGA, TENNESSEE 37402**

Requisition/RFP No.: **171866** Ordering Department: Economic and Community Development
Buyer: Deidre Keylon; e-mail: dmkeylon@chattanooga.gov
Phone No.: 423-643-7231; Fax No.: 423-643-7244

Request for Proposals: **EXCLUSIVE BERTHING AGREEMENT FOR FLOATING RESTAURANT
WITH RIVER EXCURSION VESSEL**

SEALED PROPOSALS MUST BE RECEIVED AS SPECIFIED FOR TIME-STAMPING IN
THE PURCHASING DEPARTMENT AT 101 EAST 11TH ST., SUITE G-13,
CHATTANOOGA, TN, 37402, NO LATER THAN 4:00 P.M., E.S.T., ON AUGUST 28, 2018.

ALL QUESTIONS MUST BE RECEIVED AS SPECIFIED NO LATER THAN 4:00 P.M., E.S.T., ON
AUGUST 22, 2018. ANSWERS WILL BE PROVIDED BY ADDENDUM.

The City of Chattanooga reserves the right to reject any and/or all proposals, waive any
informalities in the proposals received, and to accept any proposal which in its opinion may be
for the best interest of the City. The City of Chattanooga will be non-discriminatory in the
purchase of all goods and services on the basis of race, color or national origin. The City of
Chattanooga (COC) Standard Terms and Conditions posted on the website are applicable:
<http://www.chattanooga.gov/purchasing/standard-terms-and-conditions>. All proposals received
are subject to the terms and conditions contained herein and as listed in the above referenced
website. The undersigned Offeror acknowledges having received, reviewed, and agrees to be
bound to these terms and conditions, unless specific written exceptions are otherwise stated
within Offeror's proposal and are acceptable to the City of Chattanooga.

NOTE: ALL PROPOSALS MUST BE SIGNED BY AN AUTHORIZED SIGNER.
PROVIDE THE FOLLOWING INFORMATION:

Company Name: _____

Mailing Address: _____

City & Zip Code: _____

Phone/Toll-Free No.: _____

Fax No.: _____

E-Mail Address: _____

Contact Person: _____

Signature: _____

Date: _____

COMPLETED AND SIGNED PAGE MUST BE RETURNED WITH PROPOSAL

City Of Chattanooga, Tennessee

Department of Economic and Community Development



Request for Proposal

**EXCLUSIVE BERTHING AGREEMENT FOR FLOATING RESTAURANT
WITH RIVER EXCURSION VESSEL**

August 16, 2018



The City of Chattanooga, hereinafter called the "City", is requesting qualified firm(s) to submit Formal Proposals for a **berthing agreement**, as set forth in the Request for Proposal.

Interested firms may request a copy in writing of a Request for Proposal from:

City of Chattanooga, Purchasing Department
101 East 11th Street, Suite G13
Chattanooga, Tennessee 37402
Phone: (423) 643-7231
Fax: (423) 643-7244

Requests for Proposals are available for pickup from 8:00 am until 4:30 pm, Monday through Friday, or can be viewed on the City of Chattanooga website, by visiting www.chattanooga.gov

PURPOSE

The City is requesting qualified firms to submit Formal Proposals for a qualified entity to enter into an exclusive Berthing Agreement with the City of Chattanooga and Chattanooga Downtown Redevelopment Corporation for the operation of a floating restaurant with an additional vessel for the operation of river excursions.

Background Information: For the enhancement of the Riverfront, it is the desire of the City and the CDRC to have available for the public a floating restaurant and riverboat excursion operation. The Berthing Agreement is proposed for a term of ten (10) years, with the option to renew for two (2) additional terms of five (5) years each. The Berthing Agreement will be for the exclusive use of three hundred (300) contiguous feet of the down bound left bank of the Tennessee River in the proximity of and upstream from, but not beneath, the Olgiate Bridge with the downstream (or westernmost) limit at or near Rivermile 463.69 and extending three hundred (300) feet upstream (or eastwardly) therefrom.

Contract Term: as above, the Berthing Agreement is proposed for a term of ten (10) years, with the option to renew for two (2) additional terms of five (5) years each.

Number of Contracts to be awarded: The City of Chattanooga reserves the right to award a single contract or multiple contracts.



SCOPE OF SERVICES

1. All entities submitting Formal Proposals are responsible for verification that such Proposal submitted is in full compliance with all laws, rules and regulations which may be applicable on the date of submittal.
2. The floating restaurant should be open year round.
3. At a minimum, river excursions should be available from April through December of each lease term.
4. For special events on the Riverfront, there is a requirement to work in coordination with City staff and designated committees.
5. Develop and present a marketing plan which details benefits of your operation to the Riverfront.
6. City will not be responsible for providing mooring equipment.
7. Utility connections are provided; City does not pay for connections or utility expenses. City will not provide dumpster and/or trash removal.
8. Maintain berthing location in good order and repair, as shall be detailed in Berthing Agreement.
9. Purchase and maintain a policy of public liability and property damage insurance, such as naming the City and CDRC as additional insured, with limits not less than Five Million Dollars (\$5,000,000.00) for injury to and/or death of any one person in a single occurrence. Said policy shall include contractual liability coverage, which shall recognize and include the indemnification provisions of the Berthing Agreement. Additional insurance requirements will be detailed in the negotiated Berthing Agreement.
10. Berthing Agreement shall be negotiated and entered into with the City of Chattanooga and Chattanooga Downtown Redevelopment Corporation contingent upon approval of acceptance of the proposal by the Chattanooga City Council and CDRC.

COMPENSATION

Give an analysis of the compensation to be received for the services defined in the Scope of Services.

RESERVATION OF CITY RIGHTS

In connection with the Request for Proposal and Project, the City of Chattanooga reserves all rights available to it under all applicable laws, including without limitation, and with or without cause, and with or without notice, the right to:

1. Reject any and all Proposals.
2. Reject any and all Proposals from any firm that is in arrears or is in default to the City of Chattanooga upon any debt or Contract, or that is a defaulter, as surety or otherwise, upon any obligation to the City of Chattanooga, or had failed to perform faithfully any previous Contract with the City of Chattanooga and, if requested, must present within **forty-eight (48) hours** evidence satisfactory to the City of performance ability and possession of necessary facilities, pecuniary resources and adequate insurance to comply with the terms of the Request for Proposal.
3. Cancel this Request for Proposal in whole or in part at any time prior to the execution of a contract by the City, without incurring any cost obligations or liabilities.
4. Issue addenda, supplements, and modifications to this Request for Proposal and to revise and modify, at any time before the Submittal Opening Date, the factors and/or weights of factors, if applicable, the City will consider in evaluating Proposals and to otherwise revise or expand its evaluation methodology as set forth herein.



5. Change the RFP Submittal Opening Date.
6. Investigate the qualifications of any firm and, if required, request additional information concerning contents of its Proposal, and additional evidence of qualifications.
7. Terminate evaluations of Proposals at any time.
8. Disclose information contained in a Proposal to the public as set forth herein.
9. Waive deficiencies in a Proposal, accept and review a nonconforming Proposal, or seek clarifications or supplements to a Proposal as permitted by law and according to City of Chattanooga purchasing practices and procedures.
10. Exercise any other right reserved or afforded to the City of Chattanooga under this Request for Proposal and to modify the Request for Proposal process in its sole discretion to address applicable laws, codes, or ordinances and to operate in the best interest of the City of Chattanooga.

GENERAL INSTRUCTIONS TO PROPOSERS

Sealed Proposals must be submitted in hard copy format (no electronic submittals accepted) to the Purchasing Division, City of Chattanooga, for time-stamping by no later than 4:00 p.m., e.s.t., on August 28, 2018, to the attention of:

City of Chattanooga Purchasing Division
Attn: Deidre Keylon
101 East 11th Street,
Suite G13
Chattanooga, TN 37402
Phone: (423) 643-7231
Fax: (423) 643-7244

Late or misdirected proposals shall be rejected and returned unopened without exception. Postmarks are not accepted.

All forms in the RFP must be completed and signed/dated. All Addenda posted to www.chattanooga.gov, then Bids / Solicitations, up to forty-eight (48) hours before the RFP Due Date must be signed and submitted with the proposal.

All Firms submitting proposals are responsible for verification that such proposal submitted is in full compliance with all laws, rules and regulations which may be applicable on the date of submittal.

Number of Copies / Quantity and Format

Proposer shall submit three (3) complete copies of their proposal to include one (1) bound original, one (1) unbound copy, and one (1) electronic copy in PDF format on a flash drive (no disks). All proposals shall be submitted in a sealed, non-transparent envelope or box clearly marked **“RFP 171866 - BERTHING AGREEMENT”**.



Detailed Technical Proposals

Complete technical submittals shall be submitted with the Proposal. These technical submittals shall describe in detail how the Proposer complies with each specification requirement of the RFP. Any deviations from the specifications shall be noted by the Proposer.

Implied Requirements

All products and services not specifically mentioned in this RFP but which are necessary to provide the functional capabilities described by the Proposer shall be included in the Proposal.

Proposer-Supplied Materials

Any material submitted by a Proposer shall become the property of the City unless otherwise requested in writing at the time of submission. **Any firm submitting a proposal should assume the information included in the proposal is subject to the Open Records / Freedom of Information Act.**

Incurring Costs

The City shall not be liable for any cost incurred by the proposer prior to the issuance of a contract purchase agreement and will not pay for the information solicited or obtained. Proposer shall not include or integrate any such expense as part of its proposal.

Economy of Preparation

Proposals shall be prepared simply and economically. Proposals shall provide a straightforward and concise proposal description. Emphasis shall be placed on clarity and content.

Proposal Withdrawal Procedure

A Proposal may be withdrawn at any time until the date and time set for opening of proposals. Any proposal not so withdrawn shall, upon opening, constitute an irrevocable offer to provide the specifications set forth in the proposal, until the successful proposal(s) is/are accepted and a contract has been executed between the City and the successful Proposer(s).

General Reservation of City Rights

The City of Chattanooga may contact any firm for the purpose of obtaining additional information or clarification.

General Terms

Any contract resulting from this Request for Proposal will be subject to the City of Chattanooga's Standard Terms and Conditions.

<http://www.chattanooga.gov/purchasing/standard-terms-and-conditions>

Any exceptions to said Terms and Conditions must be submitted with Proposal Response on the Cover Page.

Proposers shall state any exceptions to or deviations from the terms of this Request for Proposals and the Standard Terms and Conditions. Where proposer wishes to propose alternative approaches to meeting the City's technical or contractual requirements, these should be thoroughly explained. The Contractor shall be bound to accept all stated terms not excepted in its proposal.



City reserves the right to accept or reject any or all exceptions / deviations at its sole discretion. City reserves the right to reject excepted or conditional proposals at its sole discretion.

Contract Administration Activity

The Proposer will be expected to provide periodic reporting and/or attend Contract Administration meetings, as described in this document or as otherwise required by the City Purchasing Division or City Department.

QUESTIONS / REQUESTS FOR INFORMATION

All questions and requests for information or clarification must be submitted in writing, and will be accepted **until 4:00 pm, est, on August 22, 2018**, and shall be sent by email to:

rfp@chattanooga.gov

with the Subject line including: QUESTION FOR RFP 171866 - BERTHING AGREEMENT

If there is no access to email, you may send your question, marked as above on the outside of the envelope, to:

City of Chattanooga Purchasing Division
Attn: Deidre Keylon, Buyer
101 East 11th Street, Suite G13
Chattanooga, TN 37402
Phone: (423) 643-7231
Fax: (423) 643-7244

COMMUNICATION DURING THIS PROCESS

Any communication concerning this RFP must be conducted exclusively with the City of Chattanooga Purchasing Division Buyer named until the evaluation and award process has been completed. Failure to follow this procedure will be negatively viewed in the selection process and can result in elimination of the proposal.



PAYMENT OF SERVICES

1. The City will make payment according to the City's policies and procedures.
2. Invoices
 - a. Accurate and complete Invoices, with all backup documentation, shall be submitted to:

City of Chattanooga
Attn: Accounts Payable Division
101 East 11th Street, Suite 101
Chattanooga, TN 37402
acctspayable@chattanooga.gov

With Copy to:

City of Chattanooga
Attn: Open Spaces Division in Coolidge Park
200 River Street
Chattanooga, TN 37405
(423) 643-6887
tkazmierzak@chattanooga.gov

- b. Vendor's Invoice must list a valid Email Address for billing questions and inquiries.
- c. Vendor's Invoice Date must minimally be the date that the Invoice is submitted to the City. The Invoice Date must not precede submission date, the Ship Date or Service Date.
- d. Invoice descriptions on transaction lines must match the Purchase Order's transaction line items, and reference the corresponding transaction line number. The Vendor shall not invoice the City for any item that does not correspond to a line on the Purchase Order.
- e. Invoices to the City shall reference the Purchase Order number.
- f. Invoices must be received by the City within two (2) weeks of the completed quoted work, with emphasis on earlier submission.
- g. Any Vendor invoice that is incomplete, inaccurate, or otherwise unable to be processed will not be considered valid or procedurally compliant.
- h. Revised Invoices - must be clearly marked "Revised", and must reference the Invoice Number that it is replacing.



REVIEW AND EVALUATION OF PROPOSAL

All proposals submitted in response to this RFP will be evaluated by an Evaluation Committee in accordance with the criteria described below. Total scores will be tabulated, and the contract will be awarded to the proposers whose proposal is deemed to be in the best interest of the City.

All proposals will be examined initially for completeness before being submitted to the Evaluation Committee for further evaluation. At the discretion of the City, any proposal found to be incomplete may be eliminated from further consideration.

Evaluation Committee

A committee consisting of individuals selected by the City will receive all complete proposals submitted. Each proposal will be awarded a maximum of 100 percent based on the evaluation criteria. The City, at its sole judgment, will decide if a proposal is viable.

Evaluation Criteria

In preparing responses, proposers should describe in detail how they propose to meet the specifications as detailed in this solicitation document.

The specific categorical criteria that will be applied to the proposal information, in order to assist the City in selecting the most qualified proposers for the contract, are as follows:

- **30 percent: Competence/Approach to Scope of Work**
- **45 percent: Qualifications and Team Experience**
- **20 percent: Price/Value/Cost**
- **5 percent: Reference Projects**

Selection of Proposers for formal presentations (if any) and for contract negotiations will be evaluated based on an objective evaluation of the criteria listed above.

Formal Presentations

In the event that a Proposer cannot be selected solely on the Proposals submitted, the City may invite up to three (3) qualified firms for formal presentations. The City reserves the right, however, to invite more or less than this number, if the quality of the proposals so merits.

The City Evaluation Committee may revise the initial scores based upon additional information and clarification received in this phase. If your company is invited to give a presentation to the City, the offered dates may not be flexible.

A presentation may not be required, and therefore, complete information must be submitted with a proposer's proposal.

Selection of Finalist(s)

After review of the proposals by the Evaluation Committee and formal presentations (if any), the City may, at its sole option, elect to reject all proposals or elect to pursue the project further. In the event



that the City decides to pursue the project further, the City will select the highest ranked finalist(s) to negotiate an agreement.

Schedule of Proposal Process

A. The following is an anticipated timeline for the selection process. The City reserves the right to adjust the schedule as it deems necessary. All times are for the Eastern Time Zone (ET).

B. Timeline for RFP:

RFP Becomes Available to Proposers	August 16, 2018
Proposers' Questions must be submitted in writing to rfp@chattanooga.gov by	August 22, 2018, 4:00 pm, est
City Releases Responses to Questions to All Proposers by Addendum Posted on Website	As soon as possible after August 22, 2018
Sealed Proposals are Time Stamped in Purchasing By No Later Than	August 28, 2018, 4:00 pm, est

RESPONSE FORMAT

Cover Letter and Statement of Exceptions to City of Chattanooga Standard Terms and Conditions

Include a cover letter, issued by an Officer of the proposing business entity, introducing your organization, giving a description and a brief history statement, summarizing your qualifications, including the size (number of employees and revenues) and areas of specialization, and detailing any exceptions to the Standard Terms and Conditions. If you have exceptions to the City's Standard Terms and Conditions, the City may reject your proposal. If you have and do not state exceptions in your cover letter, it will be assumed that you have no exceptions.

Contact Information

Include principal contact information for this RFP, including address, telephone number, email address, and website (if applicable). The email address given will be considered to be valid for and will be used for all communications.

References



Provide the names, addresses, and individual contact name, phone number and e-mail address of at least three (3) references.

Competence/Approach to Scope of Work [30 points]

- Offeror shall demonstrate an understanding of the Scope of Work and knowledge of applicable laws and regulations
- Offeror shall demonstrate in detail how each item in Scope of Work (SOW) will be addressed in order to achieve the stated Desired Outcomes of this solicitation, summarized in “Desired Outcomes and Scope of Work” above:

Please also answer the following questions related to data and reporting

1. Describe how you would track data
2. Describe which program outputs you would track, how you would collect this data, and how you would report progress toward goals
3. Describe how you would balance the need to collect data for evaluation and performance measurement with the need to minimize time staff spend on paperwork and data entry.

Qualifications and Team Experience [45 points]

- Demonstrate your organization’s knowledge in the provision of services related to the project.
- Demonstrate your organization’s experience in operating similar programs successfully
- List all non-Domestic Relations litigation in which your organization or staff is or has been a defendant, within the three (3) years immediately preceding the RFP response (not the legal details or analysis), including, but not limited to, parties’ names, county, court, case number, and disposition.
- Clearly define your team's organizational structure including defined roles and responsibilities and use of subcontractors or partners.
- Demonstrate relevant experience of proposed team members.
- Explain unique team experience, expertise, and/or approach for operating the program.
- Identify team members responsible for developing and providing information to City of Chattanooga
- Identify team members responsible for meeting with and advising City of Chattanooga.

Value/Cost Efforts [20 Points]

Identify an annual all-in cost for this service. Give an analysis of the compensation. This annual cost analysis must include the following:

- Staffing costs
- Supplies and equipment costs
- Program implementation costs
- Itemization of any costs not otherwise described

Reference Projects [5 points]



- Demonstrate ability to perform similar programs effectively.
- Detail experience on a minimum of two (2) programs of similar scope.

For each referenced project, please include the following:

- Target population served by the program
- Grantee or funder
- Program approach (services provided, staffing structure, logic model if available)
- Length of program, Dollar value, and program start and end date (or include if the program is ongoing)
- Funder contact information for the listed program, including an email address that can be used as reference verification.

Bad contact information and/or non-responsive references will be reflected in the scores.



**APPENDIX A
PROPOSER QUALIFICATION DATA**

All questions must be answered clearly and comprehensively. If necessary, separate sheets may be attached.

1. Company Name of proposer (Please list official name, and any and all "doing business as" names, if any, associated with the company):

2. Main office address:

3. Phone: _____ Fax: _____

a. Email Address: _____

4. Proposer's federal tax identification number: _____ (Please attach Form W-9)

5. The proposer is organized as a (specify type of entity, e.g. sole proprietor, partnership, for profit corporation, non-profit corporation, limited liability company, etc.)

6. The date the proposer was organized in its current form:

7. If a corporation or limited liability company, the state where it is formed:

8. Is your company registered with the Tennessee Secretary of State?

- a. YES
b. NO - Please explain

9. How many years have you served the population described in this solicitation:



10. Describe any pending plans to reorganize or merge your organization.

11. Have you, or any officers and/or directors of your company, ever been debarred or suspended by a government from consideration for the award of contracts?

a. YES - Please list the contract party, and explain

b. NO

12. Have you, or any officers and/or directors of your company, ever been disqualified, removed, sued, or otherwise prevented from proposing on or completing any contract?

a. YES - Please list the contract party, and explain

b. NO

13. Have you, or any officers and/or directors of your company, ever been charged with liquidated damages on a contract?

a. YES - Please list the contract party, and explain



b. NO

14. Bonding

a. Limit: \$ _____

b. Bonding Company: _____

c. Address: _____

d. Phone Number: _____



Chapter No. 817 (HB0261/SB0377). "Iran Divestment Act" enacted.
Vendor Disclosure and Acknowledgement

By submission of this bid, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each proposer is not on the list created pursuant to § 12-12-106. Each person signing on behalf of any entity also certifies that he or she has the authority to sign on behalf of the entity they represent.

(SIGNED) _____
(PRINTED NAME) _____
(BUSINESS NAME) _____
(DATE) _____

For more information, please contact the State of Tennessee, Central Procurement Office
<https://www.tn.gov/generalservices/procurement/central-procurement-office--cpo-/library-/public-information-library.html>



Affirmative Action Plan

For RFP 171866

EXCLUSIVE BERTHING AGREEMENT FOR FLOATING RESTAURANT WITH RIVER EXCURSION VESSEL

The City of Chattanooga is an equal opportunity employer and during the performance of this Contract, the Contractor agrees to abide by the equal opportunity goals of the City of Chattanooga as follows:

1. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or handicap. The Contractor will take affirmative action to ensure that applicants are employed, and the employees are treated during employment without regard to their race, color, religion, sex, national origin, or handicap. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay, or other forms of compensation, and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.
2. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, or handicap.
3. The Contractor will send to each labor union or representative of workers with which he/she has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representatives of the Contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
4. During the term of this contract the following non-discriminatory hiring practices shall be employed to provide employment opportunities for minorities and women:
 - a. All help wanted ads placed in newspapers or other publications shall contain the phrase "Equal Employment Opportunity Employer."



- b. Seek and maintain contracts with minority groups and human relations organizations as available.
 - c. Encourage present employees to refer qualified minority group and female applicants for employment opportunities
 - d. Use only recruitment sources which state in writing that they practice equal opportunity. Advise all recruitment sources that qualified minority group members and women will be sought for consideration for all positions when vacancies occur.
5. Minority statistics are subject to audit by City of Chattanooga staff or other governmental agency.
6. The Contractor agrees to notify the City of Chattanooga of any claim or investigation by State or Federal agencies as to discrimination.

(Signature of Contractor)

(Title and Name of Company)

(Date)



No Contact/No Advocacy Affidavit

City of Chattanooga
Purchasing Division

State of _____
County of _____

_____ (agent name), being first duly sworn, deposes and says that:

- (1) He/She is the owner, partner, officer, representative, or agent of _____ (business name), the Submitter of the attached sealed solicitation response to Solicitation # __171866 EXCLUSIVE BERTHING AGREEMENT FOR FLOATING RESTAURANT WITH RIVER EXCURSION VESSEL__;
- (2) _____ (agent name) swears or affirms that the Submitter has taken notice, and will abide by the following No Contact and No Advocacy clauses:

NO CONTACT POLICY: After the posting of this solicitation, a potential submitter is prohibited from directly or indirectly contacting any City of Chattanooga representative concerning the subject matter of this solicitation, unless such contact is made with the Purchasing Division.

NO ADVOCATING POLICY: To ensure the integrity of the review and evaluation process, companies and/or individuals submitting sealed solicitation responses, as well as those persons and/or companies formally/informally representing such submitters, may not directly or indirectly lobby or advocate to any City of Chattanooga representative.

Any business entity and/or individual that does not comply with the No Contact and No Advocating policies may be subject to the rejection or disqualification of its solicitation response from consideration.

Submitter Signature: _____ Printed Name: _____

Title: _____

Subscribed and sworn to before me this _____ day of _____, 2____.

Notary Public: _____

My commission expires: _____

