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RESPONSIBLE CONTRACTOR AFFIDAVIT (FOR THE CONSTRUCTION PORTION
OF THE PROJECT ONLY)

2021-105-KB (RFP)
LEASE FOR THE DEVELOPMENT AND
OPERATION OF A CULTURAL ARTS FACILITY
WITHIN THE COLLINS PARK GARAGE

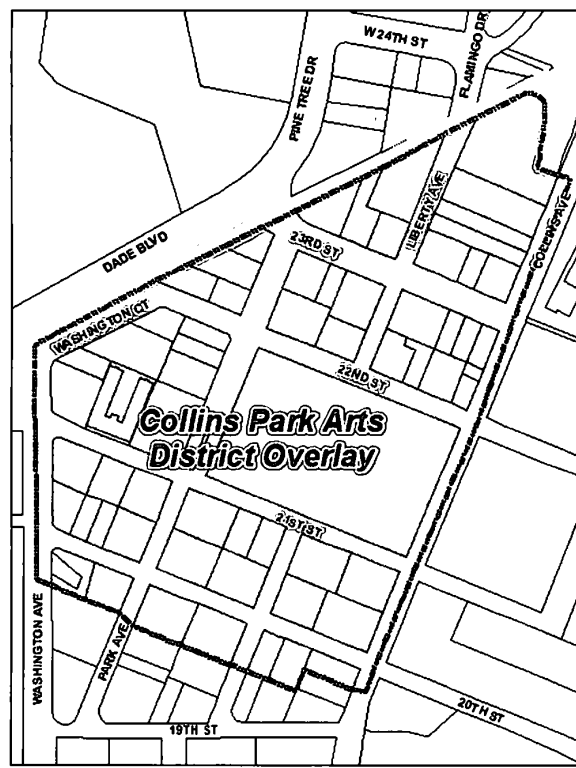
SECTION 0100 **INSTRUCTIONS TO PROPOSERS**

1. GENERAL. This Request for Proposals (RFP) is issued by the City of Miami Beach, Florida (the “City”), as the means for prospective Proposers to submit their qualifications, proposed scopes of work, and revenue proposals (the “proposal”) to the City for the City’s consideration as an option in achieving the required scope of services and requirements as noted herein. All documents released in connection with this solicitation, including all appendixes and addenda, whether included herein or released under separate cover, comprise the solicitation, and are complementary to one another and together establish the complete terms, conditions and obligations of the Proposers and, subsequently, the successful Proposer(s) (the “contractor[s]”), if this RFP results in an award.

The City utilizes **BidSync** (www.bidsync.com) for automatic notification of competitive solicitation opportunities and document fulfillment, including the issuance of any addendum to this RFP. Any prospective Proposer who has received this RFP by any means other than through **BidSync** must register immediately with **BidSync** to assure it receives any addendum issued to this RFP. **Failure to receive an addendum may result in disqualification of proposal submitted.**

2. BACKGROUND. The Collins Park Arts District (the “District”) (see Figure 1), within the City’s Collins Park neighborhood, was established to encourage arts-related uses and activations within the Collins Park neighborhood. The District contains premier cultural institutions including the Bass Museum of Art, the Miami City Ballet, the Miami Beach Regional Library, and the proposed future Collins Park artist and educator residential/mixed-use facility.

Figure 1. Collins Park Arts District.



Within the District, the recently constructed Collins Park Parking Garage, located at 303 23rd Street, spans an entire block immediately adjacent to the Miami City Ballet headquarters and is currently operational. The LEED-certified parking/mixed use structure includes over 500 parking spaces and 16,700 ground square foot of ground floor space, fronting both 23rd Street and Park Avenue. The ground floor space of the garage includes approximately 10,400 sf of prominent, leasable ground floor space (currently existing as an unfinished shell) that requires tenant build-out (the “Facility”). It is this Facility that is subject for design, development, and construction (i.e. build-out) under the form of this RFP.

3. PURPOSE/SCOPE OF SERVICES. Through this RFP, the City is seeking creative and transformative concepts for the development and operation of the Facility from proposers that have experience developing, managing, and operating cultural arts organizations and facilities. The City desires proposals that will invigorate, complement and enhance the Collins Park Arts District with a cultural facility and cultural programming elevating and highlighting Miami Beach's reputation as an international cultural destination. The selected proposer will be responsible for the build-out, programming, management and maintenance of the cultural facility. The City is interested in meaningful and substantive proposals that maximize the Facility's considerable footprint, and fully utilize its potential to generate community and tourist engagement and activation. The City is seeking proposals that also incorporate tenant programming that would serve as an economic catalyst, by contributing to the District's cultural arts character and engaging the community through robust and diverse cultural programming. The City is seeking proposals that will take advantage of mixed-use cultural concepts including, but not limited to, artist studios, galleries, rehearsal studios, a black box theater, arts training and educational facilities, and production offices for cultural organizations (among other potential uses). The Facility is configured to accommodate restaurant/café options and includes an open terrace suitable for outdoor seating, intimate performances and small receptions.

The RFP aims to select a public or private entity to develop the Facility and implement active, state-of-the-art cultural uses for all or a portion of the Facility, as well as managing and operating the complex in a high quality, first-class manner that meets the needs of residents, visitors, and the public at large. It is anticipated that the City and the successful proposer will negotiate a long-term contract with an initial term of ten (10) years and an option to renew for up to an additional two (2) five-year periods, at the City Commission's sole discretion. However, the final term is negotiable, and is ultimately subject to approval by the City Commission.

Proposals must propose a two-fold project delivery:

- (1) **Design, development, and construction (i.e. build-out)** of the Facility; and
- (2) **management and operation** of the completed Facility.

The overarching community goal and aspiration is to develop the Facility ground floor in a manner that:

- augments the historic and cultural character of the Collins Park Art District while complementing the modern design of the Collins Park garage itself;
- contributes to the vibrancy and continued development of the District;
- produces innovative and creative programs that contribute to Miami Beach's portfolio of work class cultural offerings and artistic excellence;
- offers diverse artistic programming, educational offerings, and supports the creation of artistic product;
- collaborates with other Miami Beach cultural institutions;
- promotes Miami Beach as an international cultural destination;
- stimulates smart development and business growth;
- creates positive economic and fiscal benefits for the District and the City;
- provides opportunities for day and night cultural programming;
- effectively incorporates community feedback into the programming plan; and
- provides opportunities for community-based cultural organizations, individuals, educational institutions, and for youths.

The management and operation of the Facility shall include, but not be limited to, the following:

- efficient operation of the Facility and economically viable programming minimizing or eliminating direct costs to the City.
- day-to-day operation and management of the Facility.
- provision of superior services to users and patrons visiting the Facility, thereby maximizing customer satisfaction and exhibiting a positive image of a City asset.

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- production or attraction of new events and promotion of the Facility to maximize usage, during daytime and evening hours.
- active promotion of the Facility.
- a comprehensive strategic and marketing plan for the Facility.
- professional management and operation consistent with best industry practices and all applicable laws and ordinances.
- responsiveness to the ever-changing needs of the community and users of the Facility with recommendations for flexible spaces, expansions, renovations, and upgrades of services.
- safeguarding the City's capital investment in the Facility through the exercise of the highest standards of maintenance and preservation.

In addition, the development of the Facility must meet existing LEED requirements of the Collins Park Garage. It is the City's goal that the Facility build-out be designed to augment or support the Facility's current LEED certification (e.g., LEED for Commercial Interiors or greater) and comply with all applicable code requirements.

4. ANTICIPATED RFP TIMETABLE. The tentative schedule for this solicitation is as follows:

RFP Issued	January 27, 2021
Pre-Proposal Meeting	February 11, 2021 at 10:00am EST
Deadline for Receipt of Questions	March 29, 2021 at 5:00pm EST
Responses Due	April 8, 2021 at 3:00pm EST
Evaluation Committee Review	April 2021
Tentative Commission Approval	May 2021
Contract Negotiations	Following Commission Approval

5. PROCUREMENT CONTACT. Any questions or clarifications concerning this solicitation shall be submitted to the Procurement Contact noted below:

Procurement Contact:

Kristy Bada

Telephone:

305-673-7000 x26218

Email:

kristybada@miamibeachfl.gov

Additionally, the City Clerk is to be copied on all communications via e-mail at: RafaelGranado@miamibeachfl.gov, or via facsimile: 786-394-4188.

The Bid title/number shall be referenced on all correspondence. All questions or requests for clarification must be received no later than ten (10) calendar days prior to the date proposals are due as scheduled in Section 0200-3. All responses to questions/clarifications will be sent to all prospective Proposers in the form of an addendum.

6. PRE-PROPOSAL MEETING OR SITE VISIT(S). Only if deemed necessary by the City, a pre-proposal meeting or site visit(s) may be scheduled. Attendance for the pre-proposal meeting **shall be via telephone** and recommended as a source of information but is not mandatory. Proposers interested in participating in the Pre-Proposal Meeting must follow these steps:

- (1) Dial the TELEPHONE NUMBER: +1 786-636-1480
- (2) Enter the PHONE CONFERENCE ID: 536 968 861#

Proposers who are participating via telephone should send an e-mail to the contact person listed in this RFP expressing their intent to participate via telephone.

7. PRE-PROPOSAL INTERPRETATIONS. Oral information or responses to questions received by prospective Proposers are not binding on the City and will be without legal effect, including any information received at pre-submittal meeting or site visit(s). The City by means of Addenda will issue interpretations or written addenda

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clarifications considered necessary by the City in response to questions. Only questions answered by written addenda will be binding and may supersede terms noted in this solicitation. Addendum will be released through *BidSync*. Any prospective proposer who has received this RFP by any means other than through *BidSync* must register immediately with *BidSync* to assure it receives any addendum issued to this RFP. Failure to receive an addendum may result in disqualification of proposal. Written questions should be received no later than the date outlined in the **Anticipated RFP Timetable** section.

8. CONE OF SILENCE. This RFP is subject to, and all proposers are expected to be or become familiar with, the City's Cone of Silence Requirements, as codified in Section 2-486 of the City Code. Proposers shall be solely responsible for ensuring that all applicable provisions of the City's Cone of Silence are complied with, and shall be subject to any and all sanctions, as prescribed therein, including rendering their response voidable, in the event of such non-compliance. Communications regarding this solicitation are to be submitted in writing to the Procurement Contact named herein with a copy to the City Clerk at rafaelgranado@miamibeachfl.gov

9. ADDITIONAL INFORMATION OR CLARIFICATION. After proposal submittal, the City reserves the right to require additional information from Proposers (or Proposer team members or sub-consultants) to determine: qualifications (including, but not limited to, litigation history, regulatory action, or additional references); and financial capability (including, but not limited to, annual reviewed/audited financial statements with the auditors notes for each of their last two complete fiscal years).

10. PROPOSER'S RESPONSIBILITY. Before submitting a response, each Proposer shall be solely responsible for making any and all investigations, evaluations, and examinations, as it deems necessary, to ascertain all conditions and requirements affecting the full performance of the contract. Ignorance of such conditions and requirements, and/or failure to make such evaluations, investigations, and examinations, will not relieve the Proposer from any obligation to comply with every detail and with all provisions and requirements of the contract, and will not be accepted as a basis for any subsequent claim whatsoever for any monetary consideration on the part of the Proposer.

11. DETERMINATION OF AWARD. The City Manager may appoint an evaluation committee to assist in the evaluation of proposals received. The evaluation committee is advisory only to the city manager. The city manager may consider the information provided by the evaluation committee process and/or may utilize other information deemed relevant. The City Manager's recommendation need not be consistent with the information provided by the evaluation committee process and takes into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Manager may recommend to the City Commission the Proposer(s) s/he deems to be in the best interest of the City or may recommend rejection of all proposals. The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposal or Proposals which it deems to be in the best interest of the City, or it may also reject all Proposals.

12. NEGOTIATIONS. Following selection, the City reserves the right to enter into further negotiations with the selected Proposer. Notwithstanding the preceding, the City is in no way obligated to enter into a contract with the selected Proposer in the event the parties are unable to negotiate a contract. It is also understood and

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acknowledged by Proposers that no property, contract or legal rights of any kind shall be created at any time until and unless an Agreement has been agreed to; approved by the City; and executed by the parties.

13. E-VERIFY. As a contractor you are obligated to comply with the provisions of Section 448.095, Fla. Stat., "Employment Eligibility." Therefore, you shall utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the Contractor during the term of the Contract and shall expressly require any subcontractors performing work or providing services pursuant to the Contract to likewise utilize the U.S. Department of Homeland Security's E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the Contract term.

14. JOINT VENTURES / SINGLE PURPOSE ENTITY.

a. **Joint Ventures Permitted for Proposal Submissions.** For purposes of the Proposal submission and evaluation, a Proposer may form a joint venture entity and the owner/members of the joint venture shall be deemed to be the Proposer (i.e. the joint venture members with an ownership interest in the joint venture may meet the qualification requirement collectively). If the Proposer is a joint venture, the joint venture's Proposal shall contain an executed Proposal Certification Questionnaire and Requirements Affidavit from each of the owner/members of the joint venture participating in the Proposal. If awarded the RFP, the ownership interests of each member of the joint venture entity shall be disclosed in the Lease agreement.

b. **Successful Proposer Required to Create Single Purpose Entity To Serve as Contract Entity.** The successful Proposer shall be required to, prior to execution of the applicable/required agreements with the City, create a single purpose entity (such as a limited liability company) to serve as the entity and the principal that enters into the agreements with the City, and which shall serve as the vehicle through which the successful proposer raises the capital/equity commitments from investors for the project, subject to the City's rights in and to the project. If the successful Proposer is a joint venture entity, and the joint venture entity is not a single purpose entity, the joint venture shall be required to create a single purpose entity to serve as the entity that enters into the applicable/required agreements by the City.

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SECTION 0200

GENERAL CONDITIONS

TERMS & CONDITIONS –SERVICES. By virtue of submitting a proposal in response to this solicitation, proposer agrees to be bound by and in compliance with the Terms and Conditions for Services (dated April 13, 2020), incorporated herein, which may be found at the following link:

<https://www.miamibeachfl.gov/city-hall/procurement/standard-terms-and-conditions/>

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SECTION 0300

PROPOSAL SUBMITTAL INSTRUCTIONS AND FORMAT

1. ELECTRONIC RESPONSES (ONLY). Electronic responses to this RFP are to be submitted through BidSync until the date and time as indicated in this document. *It is the sole responsibility of the Proposer to ensure its proposal reaches BidSync before the Solicitation closing date and time.* There is no cost to the Proposer to submit a proposal in response to a City of Miami Beach solicitation via BidSync. Electronic proposal submissions may require the uploading of electronic attachments. The submission of attachments containing embedded documents or proprietary file extensions is prohibited. All documents should be attached as separate files (proposal format indicated below). All proposals received and time stamped through BidSync, prior to the proposal submittal deadline shall be accepted as timely submitted. Proposals will be opened promptly at the time and date specified. Hard copy proposals or proposals received electronically, either through email or facsimile, submitted prior to or after the deadline for receipt of proposals are not acceptable and will be rejected. Late bids cannot be submitted, bidders are cautioned to plan sufficiently. The City will in no way be responsible for delays caused by technical difficulty or caused by any other occurrence.

A proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal up until the proposal due date and time. The City will only consider the latest version of the proposal.

2. NON-RESPONSIVENESS. Failure to submit the following requirements shall result in a determination of non-responsiveness. Non-responsive proposals will not be considered.

- 1. Bid Submittal Questionnaire
- 2. Failure to comply with Minimum Eligibility Requirement (See Appendix A, Section A1).
- 3. Cost Proposal.

3. OMITTED OR ADDITIONAL INFORMATION. With exception of the Bid Submittal Questionnaire (completed and submitted electronically) and the cost proposal, the City reserves the right to seek any omitted information/documentation or any additional information from Proposer or other source(s), including but not limited to: any firm or principal information, applicable licensure, resumes of relevant individuals, client information, financial information, or any information the City deems necessary to evaluate the capacity of the Proposer to perform in accordance with contract requirements. Failure to submit any omitted or additional information in accordance with the City's request shall result in proposal being deemed non-responsive.

4. ELECTRONIC PROPOSAL FORMAT. In order to maintain comparability, facilitate the review process and assist the Evaluation Committee in review of proposals, it is strongly recommended that proposals be organized and tabbed in accordance with the tabs, and sections as specified below. The electronic submittal should be tabbed as enumerated below and contain a table of contents with page references. The electronic proposal shall be submitted through the "Line Items" attachment tab in BidSync.

TAB 1	Cover Letter & Minimum Qualifications Requirements
	<p>1.1 Cover Letter and Table of Contents. The cover letter must indicate Proposer and Proposer Primary Contact for the purposes of this solicitation.</p>
	<p>1.2 Organizational Chart. Include an organizational chart showing key members of the team (e.g., tenant, architect, financiers, etc.).</p>
	<p>1.3 Minimum Qualifications Requirements. The minimum qualification requirements for this solicitation are listed below. Bidder shall submit the required submittal(s) documenting compliance with each minimum requirement. Proposers that fail to comply with minimum requirements shall be deemed non-responsive and shall not have its bid considered. Submit verifiable information documenting compliance with the minimum qualification requirements established below:</p> <p>1.3.1 The Proposer and/ or its principals must have developed, managed, and/or operated a cultural arts</p>

facility or organization within the last ten (10) years.

Required Submittal: For each relevant experience/project, submit organization name, description of organization and the project, dates of involvement, organization's contact representative, and representative contact information.

1.4 Required Form. Submit Responsible Contractor Affidavit (See Appendix A). The requirements of Chapter 31 of the City Code, Article II (Prevailing Wages) and Article III (Local Workforce Participation) are only applicable to the construction phase of the project.

TAB 2 Experience & Qualifications

2.1 Qualifications of Proposing Firm. Submit detailed information regarding the relevant experience and proven track record of the firm and/or its principals in providing the scope of services similar as identified in this solicitation, including experience in providing similar scope of services to public sector agencies. For each project that the Proposer submits as evidence of similar experience for the firm and/or any principal, the following is required: project description, agency name, agency contact, contact telephone & email, and year(s) and term of engagement. For each project, identify whether the experience is for the firm or for a principal (include name of principal).

2.2 Qualifications of Proposer Team. Narrative description of the entities named in the organizational chart submitted in Tab 1 that will be involved and the roles they will play (e.g., partner, management group, event programmer/presenter), the contractual relationships within the team, the financial responsibilities and percentage of ownership of each team entity (if applicable), a description and evidence of the nature of each entity's commitment to the project, and a summary of the team's past experience in working together on similar projects. Proposers must provide the following information:

- a recent history of successful, high-impact projects of similar size and scope;
- access to sufficient equity and debt capital;
- ability to navigate the development process; and
- commitment to long-term operation of the facility.

2.2.1 Provide a description of each of the entities' experience in developing and managing similar projects and roles must be included, including location, type of facility, beginning and ending dates of involvement, and information about any continued financial or operating interest in each. Include specific relevant experience with public or private entities, including reference contacts. The City may ask for supporting documentation substantiating claims of previous experience.

TAB 3 Proposed Concept

3.1 Proposed concepts are to demonstrate thorough understanding of the Miami Beach cultural landscape and infrastructure and how the proposed Project will enhance the cultural environment. Proposers are to provide a narrative description of the proposed development and management concept including:

- overall vision and proposed uses (see Note 1 below);
- estimated capital investment;
- description and evidence of how the concept addresses existing market and environmental conditions;
- proposed design.

Note 1: Proposed cultural arts uses: (1) should include some commercial component (For example, a flex theater and rehearsal space with a restaurant component open to the public); (2) intent to be open active and vibrant both day and night; and (3) be outward facing and engaging to the public in a dynamic manner.

Responses are to explicitly indicate whether the proposal is for use of all, or a portion of the Facility.

3.2 Include conceptual design sketches that demonstrate how the Project will enhance the Collins Park Arts District and the vitality of the surrounding neighborhood.

3.2.1 The conceptual design must include the development of the Facility will meet existing LEED requirements equal to those required for the Collins Park garage development. Detailed information shall be provided on how the tenant build-out will be designed to augment or support the Facility's current LEED certification (e.g., LEED for Commercial Interiors or greater) and comply with all applicable code requirements.

Responses shall be in sufficient detail and include supporting documentation, as applicable, which will allow the Evaluation Committee to complete a fully review and score.

TAB 4 Approach and Methodology Plan

- 4.1 **General Approach.** Describe overall philosophy and approach to the development, use, management, and operation of the Facility. Describe any proposed initiatives specific to a development and management approach for the Facility, focusing especially on how the proposer plans to accomplish the City's goals and objectives. This must include: a description of the type of proposed uses; the content of any proposed programming (suitable for a municipal venue); any market research or analysis to support the need for the proposed use; the hours/days of operation; and any other pertinent information that will aid the City in making a determination.
- 4.2 **Management of Facility.** Proposers must provide information describing the proposed strategies, policies, and procedures to be employed in developing, managing, and operating the Facility. Describe any proposed initiatives which would improve the management and/or reduce the operational cost of all or a portion of the facility. The proposer should also describe its approach to financial management systems, employee management, and administrative policies and procedures.
- 4.3 **Marketing Plan.** Describe the proposer's approach for a successful venue, including marketing and promotional concepts to attract visitors and guests to Miami Beach. Community outreach and engagement methods should also be detailed.

TAB 5 Public Benefits

Submit detailed information on how Proposer will provide, on an annual basis and during the term of the contract, public benefits to the City of Miami Beach. The public benefits component may include (but are not restricted to) financial support of the City's educational initiative(s), and/or any other benefits or services that benefit the City or its residents.

TAB 6 Financial Capacity & Proposal

Quantitative factors shall not be considered by the Evaluation Committee. Quantitative factors will be considered by the City Manager in preparing his recommendation to the City Commission. In considering quantitative factors, the City Manager may also consider any feedback or information provided by staff, consultants or any other third-party in developing an award recommendation in accordance with Section 0400

6.1 Financial Capacity. Outline the ability to finance the development and management of the Project including commitments of grants, equity, debt capital and any public financial assistance necessary for the project to proceed. Proposals may be submitted with little or no reliance upon City funding for development of the Project. Additionally, proposals may be submitted providing funding for all costs and expenses associated with the design, construction, and installation of improvements, furniture, fixtures, and equipment relating to the Project, and its subsequent operation, management and use, including any alterations, repairs, or replacements.

6.1.1 The Proposer and/ or its principals must provide evidence of the capability to obtain such private or public financing or subsidy as required for the concept proposed. Proposer shall submit details about funding capacity and sources. Proposers must also provide a minimum of the two (2) most current consecutive years of financial statements for the entity and/or principals that comprise the proposer.

6.2 Operating Pro Forma. Include the assumptions underlying the income and expense projections over the initial term of the lease. Clearly indicate the sources and amounts of revenues and show the proposed distribution or utilization of net operating income. Proposers are encouraged not to rely on any public funding or public financing for the Project. Proposers must indicate if funding from the City is currently being received or has been received in the past five (5) years to support other cultural development or programming.

6.3 Economic Impact. Provide a plan that maximizes economic impact to the City. Description of the anticipated economic and fiscal impact of the proposed development and management concept including but not limited to:

- Projected capital investment;
- Projected new employment and payroll anticipated to result from the project; and

Direct and Indirect economic and fiscal impact including public benefits, potential to attract visitors and new businesses, and ability to generate City income.

6.4 Financial Proposal. Each submittal must include proposed / estimated costs to develop and manage the project and proposed revenues including use of any subsidy or grant obtained from another organization. It should be noted by the proposer that the City typically receives a shared percentage of gross revenues for use of its land, including an annual minimum guaranteed amount.

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SECTION 0400**PROPOSAL EVALUATION**

1. EVALUATION OF PROPOSALS. All responsive proposals will be evaluated in accordance with this section. If more than one proposal is received, the City Manager may appoint an Evaluation Committee to consider and provide feedback on the qualitative factors of each proposal. In the event that only one responsive proposal is received, the City Manager, after determination that the sole responsive proposal materially meets the requirements of the RFP, may, without an evaluation committee, recommend to the City Commission that the Administration enter into negotiations. In the evaluation of proposals, Proposers may be requested to make additional written submissions of a clarifying nature or oral presentations to the Evaluation Committee. Failure to provide the requested information within the time prescribed may result in the disqualification of proposal.

2. QUALITATIVE FACTORS (QUALIFICATIONS, SCOPE AND APPROACH) AND VETERAN’S PREFERENCE. **The Evaluation Committee shall only consider qualitative factors.** The Evaluation Committee shall not consider quantitative factors (e.g., cost, revenue) in its review of proposals. The Evaluation Committee shall act solely in an advisory capacity to the City Manager. The results of the Evaluation Committee process do not constitute an award recommendation. The City Manager may utilize, but is not bound by, the results of the Evaluation Committee process. In addition, the City Manager may consider any feedback or information provided by staff, consultants or any other third-party in developing an award recommendation in accordance with Sub-section 4 below. In its review of proposals received, the Evaluation Committee may review and score all proposals, with or without conducting interview sessions, in accordance with the following criteria. The Procurement Department will assign points for Veteran’s Preference, pursuant to Ordinance No. 2011-3748, as applicable.

Qualitative Criteria	Maximum Points
Proposer Experience and Qualifications	35
Proposed Concept and Design	35
Approach and Methodology Plan	15
Public Benefits	15
TOTAL AVAILABLE POINTS for Qualitative Criteria	100
Veteran’s Preference Points	5
TOTAL AVAILABLE POINTS for Qualitative and Veteran’s Preference Criteria	105

EVALUATION COMMITTEE RANKING FOR QUALITATIVE CRITERIA ONLY. The sum of qualitative scores will be converted to rankings in accordance with the example below.

		Proposer A	Proposer B	Proposer C
Committee Member 1	Qualitative Points	82	76	80
	Rank	1	3	2
Committee Member 2	Qualitative Points	79	85	72
	Rank	2	1	3
Committee Member 2	Qualitative Points	80	74	66
	Rank	1	2	3
Low Aggregate Score		4	6	8
Final Ranking*		1	2	3

3. QUANTITATIVE FACTORS. Quantitative factors shall not be considered by the Evaluation Committee. Quantitative factors will be considered by the City Manager in preparing his recommendation to the City Commission. In considering quantitative factors, the City Manager may also consider any feedback or information provided by staff, consultants, or any other third-party in developing an award recommendation in accordance with Sub-section 4 below.

4. DETERMINATION OF AWARD. The City Manager shall consider qualitative and quantitative factors, in accordance with Sub-section 2 and 3 above, to recommend the proposer(s) he deems to be in the best interest of the City or may recommend rejection of all proposals. The City Manager's recommendation need not be consistent with the scoring results of the Evaluation Committee process, if applicable, and shall take into consideration Miami Beach City Code Section 2-369, including the following considerations:

- (1) The ability, capacity and skill of the Proposer to perform the contract.
- (2) Whether the Proposer can perform the contract within the time specified, without delay or interference.
- (3) The character, integrity, reputation, judgment, experience and efficiency of the Proposer.
- (4) The quality of performance of previous contracts.
- (5) The previous and existing compliance by the Proposer with laws and ordinances relating to the contract.

The City Commission shall consider the City Manager's recommendation and may approve such recommendation. The City Commission may also, at its option, reject the City Manager's recommendation and select another Proposer(s) which it deems to be in the best interest of the City, or it may also reject all Proposals.

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APPENDIX A

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Prevailing Wage and Local Workforce Participation Programs

2021-105-KB

LEASE FOR THE DEVELOPMENT AND
OPERATION OF A CULTURAL ARTS FACILITY
WITHIN THE COLLINS PARK GARAGE

PROCUREMENT DEPARTMENT
1755 Meridian Avenue, 3rd Floor
Miami Beach, Florida 33139

The Requirements of the
Prevailing Wage and Local Workforce Participation Programs

(applies only to the construction portion of the work when such works exceeds \$1,500,000 million)

The purpose of this appendix is to summarize, for clarity, the requirements of the City's Prevailing Wage and Local Workforce Program Requirements. In the event of any omissions or conflicts, the requirements of the City Code, with respect to these programs, shall prevail.

I. MINIMUM WAGES AND BENEFITS

1. Employee Compensation. The rate of wages and fringe benefits, or cash equivalent, for all laborers, mechanics and apprentices employed by the contractor or subcontractor on the work covered by the contract, shall be not less than the prevailing rate of wages and fringe benefit payments or cash equivalence for similar skills or classifications of work as established by the Federal Register last published by the United States Department of Labor prior to the date of issuance of this solicitation. (reference: Sec 31-27).

2. Notice Requirement. On the date on which any laborer or mechanic commences work on a construction contract to which this article applies, the contractor shall be required to post a notice in a prominent place at the work site stating the requirements of this article. (reference: Sec 31-29).

3. Certified Payrolls. With each payment application, Contractor shall submit a copy of all payrolls, including (at a minimum) the name and zip code for the covered employee, to the City accompanied by a signed "Statement of Compliance" indicating that the payrolls are correct and complete and that each laborer or mechanic has been paid not less than the proper prevailing wage rate for the work performed. Beginning, January 30, 2018, all payroll submittals shall be completed electronically via the City's electronic compliance portal, LCP Tracker. No payment application shall be deemed accepted until such time as the Procurement Department has confirmed that a certified payroll for the applicable payment application has been accurately submitted in LCP Tracker.

a. LCP Tracker Training. The Procurement Department offers ongoing training in LCP Tracker to all contractors. To schedule a training session, contact Alian Gonzalez at AlianGonzalez@MiamiBeachFL.gov or at 305-673-7490.

II. LOCAL WORKFORCE PARTICIPATION GOALS

1. Responsible Contractor Affidavit (RCA). As a condition of being responsive to the requirements of the solicitation and eligible to be considered for award, the Contractor shall submit a Responsible Contractor Affidavit affirming that it will make its best reasonable efforts to promote employment opportunities for Miami-Dade County residents by seeking to achieve a project goal of having thirty percent (30%) of all construction labor hours performed by Miami-Dade County residents. The Contractor shall also affirm that it will make its best reasonable efforts to promote employment opportunities for Miami Beach residents. Failure to submit the RCA shall result in the bid or proposal being disqualified and deemed non-responsive.

2. Workforce Performance Report. Before its final application for payment, the Contractor shall submit its final Certified Payroll in LCP Tracker, which shall be deemed its final Workforce Performance Report. If the project goal of thirty percent (30%) of all construction labor hours to be performed by Miami-Dade County residents is not met, the Contractor shall submit supporting documentation verifying reasonable efforts to promote employment opportunities for Miami Beach and Miami-Dade County residents. No final payment application may be approved without this information.

LOCAL WORKFORCE PARTICIPATION PROGRAM

Responsible Contractor Affidavit Form

In accordance with Article III, Section 31-40 of the Miami Beach Code, all contractors and subcontractors of any tier performing on a city contract valued in excess of \$1,500,000 for (i) the construction, demolition, alteration and/or repair of city buildings or city public works projects, or (ii) a contract valued in excess of \$1,500,000 which provides for privately-funded construction, demolition, alteration and/or repair of buildings or improvements located on city-owned land, and which are subject to Section 31-40 of the Miami Beach Code shall comply with the requirements of the Local Workforce Participation Program.

The undersigned Contractor affirms that, should it be awarded the contract pursuant to this solicitation, it shall comply with the following:

- i. The contractor will make its best reasonable efforts to promote employment opportunities for local Miami-Dade County residents and seek to achieve a project goal of having thirty percent (30%) of all construction labor hours performed by Miami-Dade County residents.
- ii. The contractor will also make its best reasonable efforts to promote employment opportunities for Miami Beach residents. To verify workers' residency, contractor(s) shall provide the residence address of each worker.

Print Name of Affiant	Print Title of Affiant	Signature of Affiant
Name of Firm	Date	
Address of Firm	State	Zip Code