



**FORSYTH PARK CAFÉ LEASE  
EVENT NO. 6859**

**SECTION II  
SCOPE OF WORK**

- 2.0 Broad description of project: The City is seeking a well-qualified and experienced restaurateur to lease and operate a restaurant at the City-owned Forsyth Park. The proposed leased premises consists of a portion of the former “Fort” building which has been remodeled into a restaurant with public restrooms, meeting room, and outdoor covered patio/seating area. The City will retain the use, management, security, and operation of the public restrooms and meeting room. The premises do not include a lease of the bandshell. The successful proposer will operate the restaurant; which includes a kitchen, enclosed walk-in freezer, indoor seating area, and outdoor covered patio/seating area (the“Lease Premises”).

Owner objective: In issuing this RFP, the City desires to enter into a lease for restaurant operations and management services of the Lease Premises. The owner is soliciting complete, detailed and definitive Proposals for such operational and management services.

A pre-proposal conference has been scheduled to be conducted at Civic Center, Simms Room, 2<sup>nd</sup> floor, 301 West Oglethorpe Avenue, Savannah, Georgia 31401. This meeting will allow contractors to discuss the specifications, and resolve any questions and/or misunderstandings that may arise with City staff. You are invited to attend.

Electronic responses shall not be accepted.

- 2.1 Scope of Services: The successful proposer will operate and maintain the premises in a manner that is compliant with all applicable codes, permitting, zoning, and licensing requirements for which the proposer is proposing; while also generating excellent customer satisfaction ratings from customers and growing attendance levels each year during the agreement.

2.1.1 General Terms and Conditions

- a) Agreement: The City plans to grant to the successful proposer a lease and operating agreement (the “Agreement”) to enter, use, occupy, and manage the lease premises for the intended use as herein described.
- b) Intended use: The successful proposer shall use the lease premises for the sole purpose of operating a restaurant with indoor and outdoor seating and for the provision of food and beverage services and associated amenities at Forsyth Park.
- c) Condition of Premises: Successful proposer will accept the lease premises as is.
- d) Assignment and sublicensing by successful proposer: The agreement may not be assigned nor shall the lease premises be sub-leased by successful proposer to other occupants/users without the prior written consent of the City; whose consent can be withheld at the City’s sole discretion.
- e) Return of premises: Successful proposer shall operate and maintain the lease premises in a clean, safe, and sanitary condition and return the lease premises in the condition in which it was received; and shall

be responsible for all damage to and necessary clean-up of the premises following the intended use at the expiration or termination of this license; normal wear and tear excepted.

- f) Additional licensing by City: The City reserves use and future licensing of the meeting room. The successful proposer may rent the meeting room from the City for various catered events at days, times, and terms/rates approved by the City in its sole discretion.
  - g) Initial period: The initial term of this agreement shall be for a period of five years.
  - h) Renewal/termination: successful proposer shall have the option to renew, subject to the consent and approval of City. Renewal period shall be for an additional five year period by providing City with notice of intended renewal at least 120 days prior to the expiration of the initial period. Either party may terminate this agreement at any time by providing notice to the other party at least 90 days prior to the intended termination date.
  - i) Facility management and maintenance: The successful proposer shall solely be responsible for securing, managing, and maintaining the operations and conditions of all aspects of the lease premises in a safe, clean, and professionally appealing condition during the terms of the lease, except City will be solely responsible for the operating condition of the roof, air conditioning system, and structural components (foundation and support walls). Said responsibilities of successful proposer for lease/use of the premises (not including the public restrooms) include, but are not limited to, janitorial services; pest control services; proper licensing, inspections, and practices associated with excellent, safe, and sanitary food and beverage services; security services; etc.
  - j) Renovations and new construction: Any renovations or new construction proposed by the successful proposer at the lease premises will be subject to the review and approval of the City at the City's sole discretion. City is agreeable to successful proposer installing a buffer to define and secure the outdoor seating area; said buffer to be constructed of aluminum or iron picket fencing, landscaping, lighting, and/or a combination of such materials subject to the review and approval of City.
  - k) Furniture, fixtures, and equipment: The lease premises are partially furnished. The successful proposer may use existing furniture, fixtures, and equipment (FFE) in addition to acquiring and installing additional FFE at its own expense for use at the lease premises. All such FFE acquired by successful proposer will remain the personal property of the successful proposer during the lease and after expiration or termination of the lease. All FFE owned by City and used by successful proposer shall be well maintained and returned in similar condition as received, normal wear and tear accepted.
  - l) Utilities: The successful proposer will be responsible for paying electric and natural gas/propane expenses associated with the lease premises. The electricity is sub-metered and will be billed to successful proposer by City on a monthly basis at kilowatt rates equivalent to rates paid by City to Georgia Power Corporation.
  - m) Accounting: The successful proposer shall maintain financial records according to standard accounting principles, and said financial records shall be audited annually by an independent auditor at successful proposer's expense.
- 2.1.2 Reports: The successful proposer shall be required to furnish current versions of certain statements, records, reports, and information to the City (Director of Real Estate) during the term of the lease including, but not limited to, the following:
- i. Quarterly reports, approved by successful proposer Board of Directors, on financial performance and progress made toward achieving a growing attendance at the lease premises;
  - ii. Annual audited financial statements by a third-party qualified Certified Public Accountant. The audit shall

include annual gross sales on which percentage rate shall be calculated, as well as a profit/loss statement for operations at the lease premises;

## 2.2 Proposal Format

Proposals shall be submitted in the following format and include the following information.

- a) Cover letter stating the intent of the proposer for this event. Cover letter must include acknowledgement of all addenda issued for this proposal. If addenda are not acknowledged in the cover letter, proposals will not be considered further.
- b) Details regarding proposer's qualifications, experience, and capabilities to perform the scope of services.
- c) Details regarding the proposed restaurant concept/design, menu ideas, hours of operation, and other proposed operating information;
- d) Fee proposals per instructions in Section III signed by responsible party. The Proposed Fee and Investment information shall include the following:
  - i. The base rent to be paid to the City for lease of the premises;
  - ii. The annual percent rent to be paid to the City for lease of the premises.
  - iii. The proposed dollar amount of FFE and renovation improvements to be made at the Lease Premises.
- e) Proposed schedule to commence operations.

## 2.3 Basis of Award

Proposals will be evaluated according to the following criteria and weight:

- a) Proposer's qualifications and experience (*20 points*);
- b) Proposed restaurant concept/design, menu ideas, hours of operation, and other proposed operating information; (*25 points*)
- c) Proposed base rent, percentage rent, and investment (FFE and Renovations); (*45 points*)
- d) Proposed schedule to commence operations (*10 points*)

Proposals shall be evaluated and scored by a selection committee. The selection committee may, at its option, request interviews with any and all proposers to gather additional information to be used in the evaluation process. Interviews may or may not be held on the premises of the City of Savannah. Any costs such as travel or preparation associated with the interview process will be borne solely by the proposers.

At the discretion of the selection committee, proposals deemed to be among the highest scored may be placed on a shortlist. Only the most qualified proposals shall have their fees opened and considered. Although the

The City reserves the right to request a best and final offer (BFO) and to re-score evaluations based on the best and final offer. Proposers may be required to provide clarification of their proposal as part of the BFO response.

2.4 Copies: One unbound, printed and signed original and six identical, printed copies of the proposal and supporting documents must be submitted in response to the RFP. One copy on a flash drive must be submitted as well. All responses must relate to the specifications as outlined. Only one copy of the fee proposal (in a separate, sealed envelope) shall be submitted. The fee proposal shall not be included in the electronic copy submitted on the flash drive.

2.5 Contacts: Proposers must submit proposals in accordance with the instructions contained in this RFP. All requested information must be submitted with the proposal. Instructions for preparation and submission of proposals are contained in this package. All questions regarding this request for proposal should be submitted in writing and emailed to the person listed on the summary event page

- 2.6 Qualifications: Each proposer shall submit a summary of their qualifications and experience (or provide detailed description of required qualifications). Additional information such as agency brochures, resumes, etc. may be submitted as appropriate.
- 2.7 Inspection of premises: Interested proposers may contact the City of Savannah Real Estate Services Department (912-651-6524) to schedule a time to inspect the lease premises. All questions arising from these inspections must be submitted in writing to the contact listed on the Event Summary page by the deadline stated on the event summary page.
- 2.8 Fees: Proposer shall submit proposed rates based on the detailed listing in Section 3.
- 2.9 Acknowledgement of Addenda: Vendor is responsible for determining and acknowledging any addenda issued in connection with this RFP. Addenda must be acknowledged in order for proposals to be considered.

Insurance: The successful proposer will provide and maintain in force in effect throughout the Initial Term and Renewal Term, if so exercised, sufficient liability insurance in an amount not less than \$1 Million per claim naming City as a named insured as follows:

A. Comprehensive General Liability minimum limits as follows:

1.	Each Occurrence	\$ 1,000,000
2.	Damage to Rented Premises	\$ 3,000
3.	Personal & Adv Injury	\$ 1,000,000
4.	General Aggregate	\$ 2,000,000
5.	Products-Completed Ops. Aggregate	\$ 2,000,000

B. Commercial Automobile Liability. Lessee must carry an automobile policy that includes coverage for owned, non-owned and hired automobiles for a minimum of \$1,000,000 per occurrence

C. Workers Compensation. Lessee shall carry a workers compensation policy that includes all statutory coverage required by Georgia state law for the minimum employer's liability limits as follows:

- 1. \$500,000 each accident
- 2. \$500,000 each employee (disease)
- 3. \$500,000 policy limit (disease)

D. Umbrella/Excess Liability. Lessee shall carry an umbrella/excess liability policy which must follow form over underlying policies: general liability, auto liability and employer's liability for minimum limits as follows:

- 1. \$1,000,000 per occurrence
- 2. \$5,000,000 aggregate

2.10 Local Vendor Definition

A bidder or business shall be considered a local vendor if it meets all of the following requirements:

- a) The bidder or business must operate and maintain a regular place of business with a physical address within the corporate limits of the city, and
- b) The bidder or business must at the time of bid or quotation submission, have a current city business tax certificate issued by the City for at least one year prior to the issuance of the requested competitive quote, bid, or proposal by the City (a post office box or temporary office shall not be considered a place of business), and
- b) The bidder or business performs quantifiable services in the ordinary course and scope of its business with the skills, qualifications, and expertise necessary to execute its contractual obligations to the City.



**SECTION III**

**FEE PROPOSAL**

**ALL PROPOSERS MUST BE REGISTERED SUPPLIERS ON THE CITY'S WEBSITE TO BE AWARDED AN EVENT. PLEASE REGISTER AT WWW.SAVANNAHGA.GOV. ELECTRONIC SUBMISSIONS WILL NOT BE ACCEPTED. PROPOSALS MUST BE SUBMITTED ON THIS FORM.**

Fee proposals shall be submitted on this form in a separate sealed envelope clearly marked Fee Forsyth Park Café Lease RFP Event No. 6859 and include the name of the proposer. Fee proposals will only be opened if, after the initial evaluation, proposer is deemed to be qualified. Fee proposals will then be considered in relation to the qualification points awarded to determine the overall best proposal in terms of fees and qualifications. If a proposer fails to submit fees separately from the proposal, or submits pricing anywhere else in the proposal, that proposal may be deemed non-responsive.

All addenda must be acknowledged in the cover letter according to the terms set forth in Section 2.2 of this RFP.

ITEM NO.	DESCRIPTION	ESTIMATED QUANTITY	UNIT COST	ANNUAL COST
1.	Forsyth Park Café Lease	12 Months	Base Rent to be offered	

Please state the percentage of your firm's sales from this facility to be paid to the City.

\_\_\_\_\_

Please state your firm's anticipated investment in the facility.

\_\_\_\_\_

SUBMITTED BY: \_\_\_\_\_

PROPOSER: \_\_\_\_\_

SIGNED: \_\_\_\_\_

NAME (PRINT): \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE: \_\_\_\_\_ ZIP \_\_\_\_\_

TELEPHONE: ( \_\_\_\_\_ ) \_\_\_\_\_  
Area Code

FAX: ( \_\_\_\_\_ ) \_\_\_\_\_

**Area Code**

**EMAIL:** \_\_\_\_\_

I certify this proposal complies with the General and Specific Specifications and Conditions issued by the City except as clearly marked in the attached copy.

\_\_\_\_\_  
Please Print Name

\_\_\_\_\_  
Authorization Signature

\_\_\_\_\_  
Date

**SECTION 01310  
DISADVANTAGED BUSINESS EMPLOYMENT PROVISIONS**

The City of Savannah actively encourages employment and participation of small and disadvantaged businesses in all City contracts. Attention of the bidders is called to contract conditions contained herein pertaining to non-discrimination, equal employment opportunity, subcontracts, and opportunities for project area residents.

It is the policy of the City of Savannah that disadvantaged business enterprises (DBEs) be given fair opportunity to participate in the performance of services for the City, and that prime contractors utilize DBE subcontractors and suppliers to the fullest extent possible consistent with the efficient performance of the contract. The City of Savannah has not established a DBE goal for this project.

In order to determine compliance, bidders shall **submit the following completed documents in a separate sealed envelope** clearly marked with the bid number, project name and number and **marked (Section 1310 Disadvantaged Business Employment Provisions)** with their bid:

1. Non-discrimination statement (Sec. 01310-3) and;
2. Proposed schedule of disadvantaged business enterprise participation (Sec. 01310-4)  
and;
3. Documentation of Good Faith Efforts [**Submit only if the goals are not met.**]

**Failure to submit the required documents shall result in the bid not being read or considered.**

Suggestions to help meet the goal:

- ✓ Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation of DBEs.
- ✓ Advertising in general circulation media, trade association publications, or disadvantaged business enterprise media to solicit bids from DBE subcontractors or suppliers. **[Advertisement should appear at least 10 days prior to bid due date, unless the City's solicitation period is shortened.]**
- ✓ Designating portions of the work for DBE subcontracting in trades with established availability of DBE subcontractors.
- ✓ Providing a minimum of 10 days notice prior to the Bid due date to DBEs when requesting bids or proposals for furnishing material or services as a subcontractor or supplier.

Any attempt to submit false information, will result in a recommendation that the bidder be debarred from participating in future City contracts.

The contractor is required to fulfill any DBE utilization commitments made unless good cause is demonstrated for any failure to fulfill such commitment. **Written approval is required prior to**



**any substitution.**

The contractor will maintain records and information necessary to document compliance with Good Faith Effort requirements, and the City shall have the right to inspect such records.

Any DBE listed in the completed form entitled "Proposed Schedule of DBE Participation" (Section 01310-4) must be certified by an approved agency such as USDOT, GDOT, or SBA 8(a) prior to the due date of this bid. Proof of DBE certification such as a certificate or letter from the certifying agency is required to accompany the bid. A firm that has submitted an application for DBE certification or an application for DBE certification under review but has not been certified is not qualified as a certified DBE and will not be recognized as such during the City's evaluation process.

No bidder shall enter into an agreement with any DBE that would in any way limit the DBE's opportunities to sell to, or act as subcontractor for, any other party. Violation of this requirement would be grounds to deem the bidder non-responsive to this bid solicitation.

The following resources are available to aid bidders in complying with this section:

**The State of Georgia Department of Transportation** maintains a website listing of Disadvantaged Business Enterprises located at [www.dot.ga.gov/PS/Business/DBE](http://www.dot.ga.gov/PS/Business/DBE)

**Chatham County** Purchasing Department maintains a listing of Disadvantaged Business Enterprises to include Contractors, Consultants and Suppliers. Contact (912) 652-7860.

**GA Tech Procurement Assistance Center** maintains a listing of Disadvantaged Business Enterprises to include Contractors, Consultants and Suppliers. Contact (912) 963-2524.

**Savannah/Hilton Head International Airport Commission** maintains a listing of Disadvantaged Business Enterprises to include Contractors, Consultants and Suppliers. Contact (912) 964-0514 or visit the website at [www.savannahairport.com](http://www.savannahairport.com)

**Small Business Assistance Corporation** maintains a listing of Disadvantaged Business Enterprises to include Contractors, Consultants and Suppliers. Contact (912) 232-4700 or visit the website at [www.sbacsav.com](http://www.sbacsav.com).

## NON-DISCRIMINATION STATEMENT

The prime contractor / bidder certifies that:

- (1) No person shall be excluded from participation in, denied the benefit of, or otherwise discriminated against on the basis of race, color, national origin, or gender in connection with any bid submitted to the City of Savannah or the performance of any contract resulting therefrom;
- (2) That it is and shall be the policy of this Company to provide equal opportunity to all business persons seeking to contract or otherwise interested in contracting with this Company, including those companies owned and controlled by racial minorities, cultural minorities, women, and individuals belonging to other socially and economically disadvantaged groups;
- (3) In connection herewith, we acknowledge and warrant that this Company has been made aware of, understands and agrees to take affirmative action to provide such companies with the maximum practicable opportunities to do business with this Company;
- (4) That this promise of non-discrimination as made and set forth herein shall be continuing in nature and shall remain in full force and effect without interruption;
- (5) That the promises of non-discrimination as made and set forth herein shall be and are hereby deemed to be made as part of and incorporated by reference into any contract or portion thereof which this Company may hereafter obtain and;
- (6) That the failure of this Company to satisfactorily discharge any of the promises of non-discrimination as made and set forth herein shall constitute a material breach of contract entitling the City of Savannah to declare the contract in default and to exercise any and all applicable rights and remedies including but not limited to cancellation of the contract, termination of the contract, suspension and debarment from future contracting opportunities, and withholding and or forfeiture of compensation due and owing on a contract.

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Signature

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Title

## PROPOSED SCHEDULE OF DBE PARTICIPATION

Any DBE listed in this completed form must be certified by an approved agency such as USDOT, GDOT, or SBA 8(a) prior to the due date of this bid. Proof of DBE certification such as a certificate or letter from the certifying agency is required to accompany the bid. A firm that has submitted an application for DBE certification or an application for DBE certification under review but has not been certified is not qualified as a certified DBE and will not be recognized as such during the City's evaluation process.

Name of Bidder/Proposer: \_\_\_\_\_ Bid No. \_\_\_\_\_

Project Title: \_\_\_\_\_.

**NOTE: Proof of DBE certification must be attached to this completed form for all firms listed in the table below.**

Name of DBE Participant	Telephone	Email	Address (City, State)	DBE? (Y/N)	Type of Work Sub-Contracted	Sub-contract Value (%)	Sub-contract Value (\$)
						%	
						%	
						%	
						%	
						%	
						%	
Total Base Bid							\$
Total Proposed DBE Subcontracts							\$
Bidder's Proposed DBE Participation							%

**The undersigned will enter into a formal agreement with the DBE Subcontractors/Proposers identified herein for work listed in this schedule conditioned upon executing of a contract with the Mayor and Aldermen of the City of Savannah.** The Prime's subcontractors' subcontractors must enter into a formal agreement with the tier subcontractor identified herein for work listed in this schedule. It is the responsibility of the Prime contractor to ensure compliance by all subcontractors.

### Joint Venture Disclosure

If the prime bidder is a joint venture, please describe below the nature of the joint venture and level of work and financial participation to be provided by the disadvantaged joint venture firm.

Joint Venture Firms	Level of Work	Financial Participation

Printed name (company officer or representative): \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_ Email: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

**CONTRACTOR AFFIDAVIT AND AGREEMENT**  
Employment Eligibility Verification

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A. 13-10-91, stating affirmatively that the individual, firm, or corporation which is contracting with the City of Savannah has registered with and is participating in a federal work authorization program\* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. 13-10-91.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with the City of Savannah, contractor will secure from such subcontractor(s) similar verification of compliance with O.C.G.A. 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the City of Savannah at the time the subcontractor(s) is retained to perform such service.

\_\_\_\_\_  
EEV / Basic Pilot Program\* User Identification Number

BY:

\_\_\_\_\_  
Contractor Name

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Officer or Agent

\_\_\_\_\_  
Printed Name of Authorized Officer or Agent

\_\_\_\_\_  
Title of Authorized Officer or Agent of Contractor

\*As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV / Basic Pilot Program" operated by the U. S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).  
\* \* \* \* \*

## **Instructions for Completing Contractor Affidavit and Agreement Form**

As required under Senate Bill 529 – “Georgia Security and Immigration Compliance Act” of 2006, O.C.G.A. Section 2, Article 3 13-10-91, public employers, their contractors and subcontractors are required to verify the work eligibility of all newly hired employees through an electronic federal work authorization program. The Georgia Department of Labor has added a new Chapter 300-10-1, entitled "Public Employers, Their Contractors and Subcontractors Required to Verify New Employee Work Eligibility Through a Federal Work Authorization Program," to the Rules and Regulations of the State of Georgia. (See website: [http://www.dol.state.ga.us/pdf/rules/300\\_10\\_1.pdf](http://www.dol.state.ga.us/pdf/rules/300_10_1.pdf).) The new rules designate the “Employment Eligibility Verification (EEV) Basic Pilot Program” operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security as the electronic federal work authorization program to be utilized for these purposes. The EEV/Basic Pilot Program can be accessed at: <https://everify.uscis.gov/enroll/StartPage.aspx?JS=YES>. Bidders shall comply with this new rule and submit with your bid the attached “Contractor Affidavit and Agreement.”

## ***Affidavit Verifying Status for City of Savannah Benefit Application***

By executing this affidavit under oath, as an applicant for a City of Savannah, Georgia Business License or Occupation Tax Certificate, Alcohol License, Taxi Permit, Contract or other public benefit as reference in O.C.G.A. Section 50-36-1, I am stating the following with respect to my bid for a City of Savannah contract for \_\_\_\_\_. [Name of natural person applying on behalf of individual, business, corporation, partnership, or other private entity]

1.) \_\_\_\_\_ I am a citizen of the United States.

**OR**

2.) \_\_\_\_\_ I am a legal permanent resident 18 years of age or older.

**OR**

3.) \_\_\_\_\_ I am an otherwise qualified alien (8 § USC 1641) or nonimmigrant under the Federal Immigration and Nationality Act (8 USC 1101 *et seq.*) 18 years of age or older and lawfully present in the United States.\*

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of Code Section 16-10-20 of the Official Code of Georgia.

Signature of Applicant:

Date

\_\_\_\_\_

\_\_\_\_\_

Printed Name:

\_\_\_\_\_

SUBSCRIBED AND SWORN  
BEFORE ME ON THIS THE  
\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

\* \_\_\_\_\_  
Alien Registration number for non-citizens.

Notary Public  
My Commission Expires:

***Instruction for Completing Systematic Alien Verification  
for Entitlement (SAVE) Form***

O.C.G.A. § 50-36-1, requires Georgia’s cities to comply with the federal **Systematic Alien Verification for Entitlements (SAVE) Program**. SAVE is a federal program used to verify that applicants for certain “public benefits” are legally present in the United States. Contracts with the City are considered “public benefits.” Therefore, the successful bidder will be required to provide the Affidavit Verifying Status for City of Savannah Benefit Application prior to receiving any City contract. The affidavit is included as part of this bid package but is only required of the successful bidder.