REQUEST FOR PROPOSALS (RFP 06-17)
BEACHFRONT FRANCHISE

1. GENERAL

The City of Folly Beach ("The City") is requesting proposals from qualified individuals/firms for the purpose of operating certain businesses on the beach.

The purpose of this Request for Proposals ("RFP") is to solicit proposals from various candidate organizations, conduct a fair and extensive evaluation based on criteria listed herein, and select the candidates who can best meet the needs of the City.

2. BUSINESSES AVAILABLE ON THE BEACHFRONT

City Code Sections 151.60 and 151.61 divide the beach into two sections for the purpose of beachfront franchising:

a. Section One is the area between 3rd block East and 3rd block West. This section is not up for bid until 2021.
b. Section Two is the balance of the public beach (outside 3rd East to 3rd West), excluding the Charleston County Parks at each end of the beach. **The minimum bid for a franchise in Section Two is $1000 per year plus 4% of gross proceeds for up to five years.** The franchise slots available in Section Two are:
    - Up to four surf camps of between five and forty students each. The location of each camp will be determined by City staff in coordination with the contract awardee, with priority going to the highest bidder in the event of a conflict.
    - Up to two paddleboard camps of between five and forty students each. The location of each camp will be determined by City staff in coordination with the contract awardee, with priority going to the highest bidder in the event of a conflict.
    - Up to two chair and/or umbrella delivery vendors, permitted to deliver throughout Section Two.

3. REQUIREMENTS OF THE CONTRACTOR

After award of contract, awardee must be prepared to adhere to the following requirements:

a. Maintain liability insurance with the City of Folly Beach as a named insured in the amount of $1 million.
b. Carry workers compensation insurance protecting franchisee against liability or loss due to bodily injury and property damage arising out of occupational injury or illness of its employees.
c. Maintain state and local licenses necessary to operate a business in the City of Folly Beach. These costs are not to be paid in whole or in part by the City

d. Indemnify and hold the City of Folly Beach harmless for any and all claims arising out of franchisee's operation and performance of its duties under this contract
e. Comply with all applicable federal, state and local laws, ordinances, and regulations
f. In addition to the above requirements, the surf and paddleboard camps must also meet the following requirements:
    i. Surf camps may only be conducted between the hours of 8 a.m. and 1 p.m. However, lessons of five or fewer students may be conducted at any time.
    ii. There must be one instructor for every five students.
    iii. At least one instructor per ten students must be lifeguard, CPR, and first aid certified with current certifications on file with the City prior to commencing operations.
    iv. Camp franchisees may not advertise on the beach but may have a tent no larger than 10 feet by 10 feet that includes the provider's name, logo, and contact information.

4. PROPOSAL PROCESS

a. Bid packets can be picked up at the Municipal Clerk's Office at Folly Beach City Hall, 2nd Floor, 21 Center Street, Folly Beach, SC 29439 or may be obtained electronically by emailing Colleen Jolley at cjolley@cityoffollybeach.com.

b. There will be an **optional** pre-submittal meeting at 2:00 p.m. on Wednesday, November 15, 2017. At the pre-submittal meeting, the City will answer questions regarding the beachfront franchises and bid process. Questions may be submitted in writing prior to the meeting. All questions should be directed to Spencer Wetmore at swetmore@cityoffollybeach.com. A copy of all questions submitted and answers provided prior to the pre-submittal meeting will be provided to all attendees in writing.

c. **Proposals must be received by 2:00 p.m. EST Friday, December 1, 2017**. Any proposals received after this time will be returned to the sender. All proposals must be signed by an official agent or representative of the company submitting the proposal. Proposals must be clearly labeled RFP 06-17, Beachfront Franchise Bid. Sealed proposals may be hand-delivered to 21 Center Street, Colleen Jolley, 2nd Floor, or mailed to P.O. Box 48, Folly Beach, SC 29439, Attn: Colleen Jolley, Municipal Clerk.

d. Each company shall submit the following documents with the proposal:
    i. Oath of Non-Collusion (form in bid packet) signed by a principal of the firm or an officer authorized to bind the corporation

ii. Qualifications to conduct business on the beach. This shall include the size of the firm, office location from which the service is being performed, and a business plan for operations.
iii. History of responsible business practices on the beach
iv. Indicate and list any pending legal actions; indicate "none" if none exist.
v. Financials: most recent tax return or other financial documentation
vi. Name and contact information for 3 references
vii. Outsourcing Statement: if your organization must outsource or contract any work to meet the requirements contained herein, this must be clearly stated in the proposal. Costs should be all-inclusive to include any outsourced or contracted work. Any proposals that call for outsourcing or contracting work must include a name, description, and contact information of the organization being contracted.

e. The proposals will be opened at 2:01 p.m. on Friday, December 1, 2017 at 21 Center Street, Folly Beach, SC in the 2nd Floor Council Chambers. All submitters are invited to be present or send a representative. Under the provisions of the Freedom of Information Act, all proposals, excluding pending legal actions and financial statements, will become public information.

f. Evaluation of proposals will be conducted from December 1, 2017 through December 12, 2017. The selection decision for the winning bidder will be at the regularly scheduled Council meeting on December 12, 2017, and the winner will be notified December 14, 2017.

g. Contracts will begin no sooner than February 1, 2018. **The City will award contracts of up to five years and reserves the right to determine the length of the contract based on history, beach conditions, or other factors.** No work may begin until the contract is executed with the City and proof of all requirements submitted. Contract terms and conditions of the franchise agreement will be negotiated upon selection of the winning bidder for this RFP. All contractual terms and conditions, will be subject to review by the City of Folly Beach.

This request does not commit the City to award a contract, or to pay any costs incurred in the preparation of a response.

5. PROPOSAL EVALUATION CRITERIA

Proposals will be evaluated using, but not limited to, the following criteria. The City reserves the right to reject, in whole or in part, any proposal submitted which the City believes would not be in its best interest. The City also reserves the right to waive minor deficiencies or reject all proposals. The following factors will be weighed in franchise award decision:

- Overall proposal suitability: proposed business plan must outline a business's qualifications to conduct business on the beachfront.
- Previous work and history of responsible business on the beach: bidders will be evaluated on examples of their experience, qualifications, and references. The City will give preference to firms normally engaged in performing the type of work specified
- Bid amount

CITY OF FOLLY BEACH

Vendor Name: _____

Non-Collusion Oath

Before me, the Undersigned, a Notary Public, for and in the County and State aforesaid, personally appeared _____and made oath that the Bidder herein, his agents, servants, and/or employees, to be best of his/her knowledge and belief, have not in any way colluded with anyone for and on behalf of the Bidder, or themselves, to obtain information that would give the Bidder an unfair advantage over others, nor have they colluded with anyone for and on behalf of the Bidder, or themselves, to gain any favoritism in the award of the Contract herein.

_____
Authorized Signature for Vendor

Sworn to and Subscribed before me

this _____ day of _____, 2017

_____
Notary Public in and for South Carolina
My Commission Expires: