

REQUEST FOR PROPOSALS

Outdoor Market Opportunity



Issue Date: February 7, 2019

Submission Deadline: 3:00pm, February 18,

DGS-RFP-2019-02

SECTION A. EXECUTIVE SUMMARY

The Department of General Services (the “**Department**” or “**DGS**”), on behalf of the District of Columbia (the “**District**”), is issuing this Request for Proposals (“**RFP**”) to license approximately 13,328 square feet of street space on the 300 block of 7th Street, S.E. (“**Site**”) on Saturdays from 6:00am to 6:00pm to operate an Outdoor Market. A description of the space is provided in **Exhibits A and B attached hereto**. The selected applicant shall provide all personnel, management, supervision, and resources necessary to license and operate the Outdoor Market and to perform the requirements set forth below in Section B.

A pre-proposal conference and Site tour will be held on Saturday, February 9, 2019. Attendance is not mandatory, but encouraged.

The point of contact for DGS is:

Barry Margeson | Realty Program Specialist
Portfolio Management Division
Department of General Services
barry.margeson@dc.gov

SECTION B. SOLICITATION OBJECTIVES

The selected applicant will enter into a license agreement with the District for use of the Site to operate an Outdoor Market.

A qualified applicant is one which:

1. At the time of submission of an application:
 - a. Is a resident of the District; or
 - b. In the case of an applicant that is not an individual, is organized or incorporated in the District;
2. Has experience in market management; and
3. Is not precluded from obtaining a license or permit pursuant to D.C. Code §47-2862.

Selected applicants who enter into a license (“**Licensee**”) will be required to operate the Site in accordance with all applicable District laws.

SECTION C. LICENSE TERMS AND REQUIREMENTS

1. License Fee and Operating Costs

The Licensee will be charged a minimum license fee of \$3,300/month to operate the Site as an Outdoor Market. The Licensee will be responsible for the payment of all operation costs associated with the Site, including but not limited to, all utility connections and the payment of any utility services to the Site.

2. Term

The term of the License shall be six (6) months. At any time, the Department may, upon prior written notice to Licensee, elect to terminate the License.

3. Use

The Licensee’s sole use of the space shall be as an Outdoor Market with locally made arts and crafts, antiques and imported handcrafts from other countries.

4. Maintenance and Repair

Licensee shall, at its sole cost and expense, keep the Site clean and in good condition and repair on Saturdays during the term of the License. Licensee’s responsibilities will include, but not be limited to: (1) trash removal; (2) weekly cleaning and tidying of the Site.

5. Insurance

Licensee shall be required to maintain insurance coverages set forth in the License. All such insurance shall name “District of Columbia, a municipal corporation” as an additional insured/loss payee, as the case may be and provide for a waiver of subrogation in favor of the District of Columbia. All insurance shall be placed with insurers that are reasonably acceptable to the Department and with an A.M. Best’s rating of not less than a then current rating of "A-" or

better and a financial size category of Class XV or higher. All such insurers shall be licensed in and approved to do business in the District of Columbia.

6. Permits

Licensee shall be responsible for obtaining any and all District licenses and/or permits required to operate an Outdoor Market in the District of Columbia.

SECTION D. PERFORMANCE STANDARDS

The minimum performance standards are as follows:

1. The Outdoor Market is clean and organized at all times.
2. The Licensee's staff and management work closely with neighbors to ensure that the market fits in with the community.
3. That a staff of cordial employees is selected.
4. That vendors and customers have a safe and pleasant work/shopping environment.
5. That rules are created considering the DGS/Eastern Market rules as a standard.

SECTION E. SOLICITATION RESPONSE REQUIREMENTS

Proposals shall include information about how it will satisfy the objectives and requirements set forth in Section D above. Proposals shall include the information that is outlined below. Offers must also include completed RFP Summary Sheet attached to this RFP. **(See Form in Exhibit C)**

1. Statement of Qualifications:
 - a) Proof that, at the time of submission of an application that the individual/firm/organization is:
 - i. A resident of the District; or
 - ii. In the case of an applicant that is not an individual, is organized or incorporated in the District;
 - b) A summary profile of the individual/firm/organization, including year founded, form of organization, number of market locations currently managed/operated by applicant (including the location of each market), number of employees, and vendor rates charged. List any professional organization accreditations held by the individual/firm/organization.
 - c) Briefly describe your history and background, and the number of years of experience managing or operating outdoor markets.
 - d) A summary of the current staff. Describe their experience, qualifications and tenure with the organization.
 - e) A description of the ability to assemble vendors for the Outdoor Market within 15-30 days of award.
2. Financial Statement:
 - a) Applicant must provide financial statements indicating that the Applicant is in solid financial health and has the ability to manage and operate a business.

3. Description of Operations:
 - a) Describe how the space will look like when it is fully occupied. Provide:
 - i. Space layout;
 - ii. Breakdown of activities and where they will take place;
 - iii. Mix of vendors of arts, crafts, antiques, and imported handcrafts. There shall be a maximum of three food vendors, with local competition considered when determining type and placement of food vendors;
 - b) Describe methodology for managing space:
 - i. Managing vendors and ensuring that there are no cars on the street;
 - ii. Securing the entrance at 7th and Pennsylvania with vehicles;
 - iii. Providing security;
 - iv. Maintaining relationships with brick and mortar business;
 - v. Communicating with DGS;
 - vi. Contract with vendors;
 - vii. Please note that:
 - Vending shall be in keeping with Eastern Market legislation;
 - Space management shall be coordinated with other adjacent street markets;
 - All vendors must provide proof of tax compliance.
4. Three references (names, affiliations, and telephone numbers) with first-hand knowledge of the Licensee's ability to successfully perform the requirements of this RFP.
5. Licensure Status:

Completed copies of all relevant permits, licenses, operating certificates and any other documents that provide or otherwise evidence that Applicant's authorization to conduct an outdoor market in the District of Columbia. Such documentation must include:

 - a) Proof of District of Columbia Citywide Clean Hands Certification (<https://ocfocleanhands.dc.gov/cch/ComplianceCheck.aspx>).
 - b) Proof of DC Certificate of Good Standing.
 - c) Proof that individual/firm/organization is not precluded from obtaining a license or permit pursuant to D.C. Code §47-2862.

Exceptions: In the event that Applicant desires to take exception to any term or condition set forth in this RFP or the License, said exceptions must be clearly identified in Applicant's response to this RFP. Exceptions or deviations to any of the terms and conditions must not be added to the proposal pages but must be included separately as an addendum to the Proposal Submission Package.

**SECTION F. SELECTION PROCESS AND EVALUATION CRITERIA
(SEE FORM IN EXHIBIT D)**

DGS staff will review each proposal submitted and make a selection based on the responses to this RFP with respect to the criteria and requirements set forth in Sections B through E.

SECTION G. SUBMISSION FORMAT AND DUE DATE

Please provide four (4) hard copies and two (2) electronic copies (via a USB drive) in Microsoft Word and PDF of the proposal portion of the submittal, which shall be limited to a maximum of twenty-five (25) pages, single sided in 12-point font size on 8.5" x 11" paper. Offers must also include a **signed DC DGS FORM S-103** attached to this RFP. (See Form in Exhibit G)

Offers must be mailed or hand delivered to:

Department of General Services
ATTENTION: Barry Margeson
REFERENCE: DGS-RFP-2019-02
2000 14TH Street, NW, 8th Floor
Washington, DC 20009

No phone calls please. All questions should be sent via email to barry.margeson@dc.gov. Responses will be provided on the DGS website located @ <http://dgs.dc.gov>.

Electronic mail and facsimile Offers will not be accepted. Each Offer shall be submitted in a sealed envelope conspicuously marked: **"Offer in Response to DGS-RFP-2019-02"**

Offers must be submitted to DGS with all required information and documentation by 3:00 pm on February 18, 2019 in order to be considered. NO EXCEPTIONS.

Winner will be notified by within 7 days after the submission deadline listed above.

This Request for Proposals shall not be considered an offer to lease and DGS reserves the right to withdraw or modify this Request for Proposals at any time.

Attached Exhibits

- A. 300 Block Map
- B. 300 Block Information Sheet
- C. RFP Summary Sheet
- D. Evaluation Criteria
- E. Solicitation and Offeror's Acknowledgement Form

Exhibit A.
300 Block Map



Exhibit B.
300 Block Information Sheet

Spec: One street block of outdoor vending space.

Size: Approximately 13,328 square feet: 392 feet from the south side of the Pennsylvania Avenue SE crosswalk to the south side of the C Street SE crosswalk, and 34 feet from the east side of 7th Street SE to the west side of 7th Street SE.

Use: Limited to vending of arts, crafts, antiques, and imported handcrafts.

Days and Hours of Operation: Saturdays from 6:00am to 6:00pm

Condition of Premises: "As Is" "Where Is"

Licensee Responsibility: All operating costs and expenses related to Licensee's business operations and the property.

Summary:

The 300 of 7th St SE is located between Pennsylvania Ave SE and C St SE, adjacent to the new 700 Penn Development to the east, the Eastern Market Outdoor Market to the north, and the Eastern Market's South Hall to the northeast.

Space is available for approximately 32 10'x10' tents.

20 feet of space is required from north to south for emergency vehicle passage.

Vendor load-in shall start at 6:00am (when the south side of the market is blocked with cones and bars) and end at 9:30am (when all vendor vehicles are off the street and the south side of the market is blocked with trucks and vans).

Vendor load-out shall take place starting at 4:00pm at the earliest and end at 6:00pm at the latest.

Vendor traffic shall travel from south to north and exit to the west on C Street SE in the direction of 6th Street SE.

Public toilets for vendors and customers are located in the Eastern Market building.

Exhibit C
RFP Summary Sheet

Licensee: _____

Primary Contact for Proposal: _____

Address:

Contact Phone: _____

Contact Email Address: _____

Years of Experience: _____

Exhibit D.
Evaluation Criteria

DESCRIPTION	POINTS
1. Statement of Qualifications	30
2. Financial Statement	30
3. Description of Operations	30
4. References	5
5. Licensure Status	5
TOTAL SCORE	100 points

Exhibit E.
Solicitation and Offeror's Acknowledgement Form

**DC DEPARTMENT OF GENERAL SERVICES CONDITIONS APPLYING TO SOLICITATION AND
OFFEROR'S ACKNOWLEDGEMENT**

THE UNDERSIGNED hereby certifies that it has read and affirms that its offer in response to Solicitation No. **DGS-RFP-2019-02** is submitted subject to the following conditions of solicitation:

100 Limitations on DGS' Authority to License

Offerors should be aware that execution by DGS of a license for expenditure in excess of \$1,000,000 in any 12-month period is subject to authorization by the Council of the District of Columbia. All financial obligations of the District under a license or any other agreement are subject to the provisions of (i) the federal Anti-Deficiency Act (31 U.S.C. §§ 1341, 1342, 1349-1351, 1511-1519 and D.C. Official Code §§ 1-206.02(e) and § 47-105 (2001)), (ii) the District of Columbia Anti-Deficiency Act (D.C. Official Code §§ 47-355.01 et seq. (2006 Supp.); and (iii) § 446 of the District of Columbia Home Rule Act (D.C. Official Code § 1-204.46 (2006 Supp.)), each as may be amended from time to time. The District cannot obligate itself to expend any funds without first obtaining a congressional appropriation of funds for such purpose. DGS makes no commitment (nor is authorized to make any commitment) to enter into any license and does not intend to proceed with any proposed license until all applicable laws have been satisfied.

101 DGS reserves the right with respect to the Solicitation to:

- a. Cancel, withdraw or modify the Solicitation prior to or after the submission deadline;
- b. Modify or issue clarifications to the Solicitation prior to the submission deadline;
- c. Reject any submission it deems incomplete or unresponsive to the submission requirements;
- d. Consider a submission that is in noncompliance with the submission requirements;
- e. Reject all submissions that are submitted under the Solicitation;
- f. Modify the deadline for submissions or other actions; and
- g. Reissue the Solicitation, a modified Solicitation, or a new Solicitation whether or not any submissions have been received in response to the initial Solicitation issuance.

DGS may exercise one or more of these rights, in its sole discretion, as it may deem necessary, appropriate, or beneficial to the District.

102 Notice of Modifications

DGS will post on its website (<http://DGS.dc.gov>) any notices or information regarding cancellations, withdrawals, modifications to deadlines, and other modifications to this Solicitation. Offerors shall have an obligation to check the website for any such notices and information, and DGS shall have no duty to provide direct notice to Offerors.

103 Further Efforts

DGS may request that Offerors clarify their submissions and/or submit additional information pertaining to their submissions. DGS may request best and final submissions from any Offeror and/or request an oral presentation from any Offeror.

104 Restricted Communications

Upon release of this Solicitation and until selection of an Offeror, Offerors shall not communicate with DGS staff or other District staff about the Solicitation or issues related to the Solicitation except as authorized in this Solicitation or in a public meeting in connection with this Solicitation.

105 Selection Non-Binding

The selection by DGS of an Offer indicates only an intent by DGS to negotiate with the Offeror and the selection does not constitute a commitment by DGS to execute a final license with the Offeror. DGS may terminate, in its sole and absolute discretion, negotiations with any Offeror if such Offeror introduces comments or changes to a license agreement that are inconsistent with its previously submitted offer materials.

106 No Conflicts of Interest, Improper Influence, Etc.

In its response to the Solicitation, the Offeror shall represent and warrant the following to the District.

1. The compensation to be requested, offered, paid or received in connection with this Solicitation has been developed and provided independently and without consultation, communication or other interaction with any other competitor for the purpose of restricting competition related to this Solicitation or otherwise.
2. No person or entity employed by the District or otherwise involved in preparing this Solicitation on behalf of the District (i) has provided any information to potential Offerors which was not made available to all entities potentially responding to this Solicitation, (ii) is affiliated with or employed by or has any financial interest in any potential Offeror, (iii) has provided any assistance to potential Offeror in responding to this Solicitation, or (iv) will benefit financially if any Offeror is selected in response to this Solicitation.
3. The Offeror has not offered or given to any District officer or employee any gratuity or anything of value intended to obtain favorable treatment under this Solicitation or any other solicitation or other contract, and Offeror has not taken any action to induce any District officer or employee to violate the rules of ethics governing the District and its employees. Offeror has not and shall not offer, give or agree to give anything of value either to the District or any of its employees, agents, job shoppers, consultants, managers or other person or firm representing the District, or to a member of the immediate family (i.e., a spouse, child, parent, brother or sister) of any of the foregoing. Any such conduct shall be deemed a violation of this Solicitation. As used herein, "anything of value" shall include but not be limited to any (a) favors, such as meals, entertainment, transportation (other than that contemplated by this Solicitation, if any, or any other contract with the District), etc., which might tend to obligate a District employee to Offeror, and (b) gift, gratuity, money, goods, equipment, services, lodging, discounts not available to the general public, offers or promises of employment,

loans or the cancellation thereof, preferential treatment or business opportunity. Such term shall not include work or services rendered pursuant to any other valid District contract.

4. The Offeror shall report to the District directly and without undue delay any information concerning conduct which may involve: (a) corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority; or (b) any solicitation of money, goods, requests for future employment or benefit of thing of value, by or on behalf of any government employee, officer or public official, any Offeror employee, officer, agent, subcontractor, or labor official, or other person for any purpose which may be related to the procurement of this Solicitation by Offeror, or which may affect performance in response to this Solicitation in anyway.

5. No member, employee, contracted agent, or consultant of Offeror was a District employee, consultant, or contractor to the District within three (3) years prior to the publication of the Solicitation except as Offeror has disclosed in writing to DGS as part of its Offer. Offeror will notify DGS of any new hire of an employee, contracted agent, or consultant who was a District employee, consultant, or contractor to the District within three (3) years prior to the publication of the Solicitation within five (5) days of any such hire.

Required disclosures and representations notwithstanding, failure to comply with any obligation described in this Section 106 may result, in DGS' sole and absolute discretion, in the Offeror's disqualification from consideration under this Solicitation, the rescission of the Offeror's award, and/or termination of any agreement between the Offeror and the District.

107 Confidentiality

Submissions and all other information submitted in response to a Solicitation are subject to the District's Freedom of Information Act (D.C. Official Code § 2-531 et seq.) ("FOIA"), which generally mandates the disclosure of documents in the possession of the District upon the request of any person, unless the content of the document falls within a specific exemption category.

If an Offeror provides information that it believes is exempt from mandatory disclosure under FOIA ("exempt information"), the Offeror shall include the following legend on the title page of the submission:

THIS PROPOSAL CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT

In addition, on each page that contains information that the Offeror believes is exempt from mandatory disclosure under FOIA, the Offeror shall include the following separate legend:

THIS PAGE CONTAINS INFORMATION THAT IS EXEMPT FROM MANDATORY DISCLOSURE UNDER THE DISTRICT'S FREEDOM OF INFORMATION ACT 12

On each such page, the Offeror shall also specify the exempt information and shall state the exemption category within which it believes the information falls.

Although DGS will generally endeavor not to disclose information designated by the Offeror as exempt information, DGS will independently determine whether the information designated by the Offeror is exempt from mandatory disclosure. Moreover, exempt information may be disclosed by DGS, at its sole discretion, unless otherwise prohibited by law, and the District shall have no liability

related to such disclosure.

108 Ownership and Use of Submissions

All submissions shall be the property of the District. The District may use any and all ideas in any submission, whether the submission is selected or rejected.

109 Non-Liability

By participating in the Solicitation process, the Offeror agrees to hold the District, its officers, employees, agents, representatives, and consultants harmless from all claims, liabilities, and costs related to all aspects of this solicitation.

110 Questions

Any questions regarding this Solicitation should be submitted via e-mail to barry.margeson@dc.gov. Offerors shall not direct questions to any other person affiliated directly or indirectly with the District. Responses to Offeror questions will be posted to the DGS website at: <http://DGS.dc.gov>.

Date: _____

Name: _____

Title: _____

Offeror: _____