



City of Somerville
Request for Proposals for Founders Ice Arena Operations, Management, and Maintenance

I. Introduction

The City of Somerville is hereby notifying all interested parties of the following RFP.

The City of Somerville is seeking a partner to operate the City owned Founders rink with a community-focused operational plan to include inclusionary initiatives that support the City of Somerville’s core values, which encompass Shape Up Somerville, gender equity, and collaborations with Somerville Parks & Recreation, Somerville youth leagues, and the Somerville Public Schools.

The City of Somerville is offering an opportunity to operate, manage and maintain the following facility under a permit for one (1) year and up to three (3) years:

Founders Ice Arena, Somerville, MA.

The City currently holds the operational permit for DCR’s Veterans Memorial Rink which expires May 31, 2021.

The awarding of the RFP is contingent on the bidder securing the operational management of DCR’s Veterans Memorial Rink. The successful Proposer will, at a minimum, provide an organized, efficient, safe, clean and professionally staffed public rink operation pursuant to the applicable rules and regulations of the City of Somerville, the terms in this RFP, any Award Notice, and a Permit Agreement.

This ice arena will be individually and collectively referred to hereinafter as the “Premises.”

The City of Somerville offers this opportunity by using competitive proposals pursuant to a determination that such a process best serves the interests of the City of Somerville and the general public.

Permittees shall make the Premises available to the public and skating groups during a minimum operating season from September 1 through June 30 each year. Permittee must ensure that Somerville youth groups are scheduled for skating times (refer to details in Section E below).

Permittees may operate limited food and skate-related concessions within the current configuration of the Premises. Any food related concessions must provide healthy options and any concessions or other services offered shall be reasonably priced. Advertising programs and other marketing must be consistent with City of Somerville regulations, and approved by the City of Somerville’s Parks & Recreation Department in advance of the start of the term of operation.

Current rink ice time rates for Somerville youth/adult programs are limited to the rate for evenings 4-11pm \$170 per hour for youth. The rate for hours prior to 4 pm for Somerville youth is \$125. Weekend rates for Somerville youth is limited to \$170 per hour for youth.

Additional charges (such as energy surcharges) are currently not allowed without prior written approval of the Director of Parks & Recreation and notice to the public and ice time group users. The winning Proposer should be prepared to begin the licensed operation, management and maintenance responsibilities of the subject rink no later than July 1, 2021.



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Minimum Compensation/Capital Contributions

A minimum annual fee payable to the City of Somerville shall be no less than:

1. Twenty-Five Thousand (\$25,000) Dollars per year, excluding all permittee's operating expenses, insurance, debt, depreciation, equipment, labor, and administrative expenses, any other fees due to any other entity or municipality, and profit.
2. The City will also consider a compensation proposal in lieu of the stipulated minimum annual fee which can include but is not limited to profit percentages, fixed fee plus variable fee, or other arrangements. However, such a proposal must clearly state an annual minimum compensation to the City.
3. Permittee shall also pay for all non-structural repairs, all utility expenses, and code compliance (including but not limited to air quality standards, health related standards, non-structural/infrastructure related building code items including but not limited to fire suppression systems, alarm systems, temperature controls, cleanliness, painting, light elements replacement, safety and security components, etc.), and
4. Proposals lower than any required minimum or excepting out certain operational expenses will automatically be disqualified and rejected.

Upon issuance of an Award Notice the successful Proposer shall remit a nonrefundable Ten Thousand (\$10,000) Dollar deposit, to be credited against the first year fee hereunder. Deposits shall be paid by using either a money order, cashier's check, or certified bank check and shall be made payable exclusively to the "City of Somerville." Payments shall include a notation specifying: [Rink Permit – XX Rink -Proposer Name].

The City of Somerville makes no representations or warranties, express or implied, as to the accuracy and/or completeness of the information provided in this RFP or the status or condition of the facilities. This RFP (including all attachments and supplements) and any information concerning the facility are made subject to errors, omissions, withdrawals without prior notice, and changes to, and additional or different interpretations of laws and regulations. Proposers should undertake their own review and analyses concerning financial information, physical conditions, environmental conditions, ownership, and legal matters concerning particular rink and rink operation in general. Any limitations or conditions regarding a proposal submission must be clearly stated in any proposal submitted to the City of Somerville.

The **City of Somerville** offers this opportunity by using competitive proposals pursuant to a determination that such a process best serves the interests of the **City of Somerville** and the general public. The City of Somerville has the right to accept or to reject any and all proposals, to withdraw or amend this RFP at any time, to initiate negotiations with the most highly advantageous Proposer, to modify or amend with the consent of the Proposer any proposal prior to acceptance, and to waive any formality, all as the City of Somerville in its sole judgment may deem to be in its and the public best interest. The decision of the City of Somerville is final.

II. Proposal Process and Schedule

Overview



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An appropriate social distancing Site visit prior to submission of a proposal is Mandatory. Proposers must submit questions in writing, including those asked at the site visit. Site visits will be scheduled in accordance with the City of Somerville's COVID-19 protocols. Answers to the questions will be posted on the City of Somerville website. Interviews of proposers may be held by the City of Somerville staff. Proposals received will be evaluated by an evaluation team consisting of City of Somerville staff. The evaluation team will recommend acceptance of a proposal by the Mayor based upon the results of its evaluation of competitive and qualifying proposals. The decision of the Mayor is final.

The Purchasing Department will notify the successful proposer once chosen. Deposits, certificates of insurance and signed Award Notice will be due within ten (10) business days after receipt of notice. Upon receipt of all required items, the Award Notice will be fully executed. A final permit will be prepared for execution by the parties. Should the winning proposer fail to meet the requirements of the RFP or any other related City of Somerville requirements, the City of Somerville may make an award to the next available proposer or withdraw the opportunity altogether. Notice of the final winning proposal will be posted on the City of Somerville website. No costs of responding to this RFP or any addenda or other documents or attendance at meetings in connection with this RFP shall be reimbursed by the City of Somerville.

Proposer Qualification and Mandated Items

All proposers must meet the criteria set forth in Section IV, A below to submit a proposal for evaluation. The items and information required in Section IV, B must also be presented to the City of Somerville along with each proposal. **A proposal submitted without these items and information will not be considered and will be automatically rejected.**



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Please ensure all documents listed on this checklist are included with your proposal. Failure to do so may subject the proposer to disqualification.

Required with Sealed Proposals

___ **Cover Letter**

___ **Acknowledgement of Addenda (if applicable)**

___ **Minimum Quality Requirements Form**

___ **Qualification Information**

___ **Mandates**

___ **Compensation to the City of Somerville**

___ **Allocation of Time**

___ **Description of Entity and Related Experience**

___ **Description of Services to be Provided**

___ **Financial, Rate and Budget Information**

___ **Certificate of Non-Collusion and Tax Compliance**

___ **Certificate of Signature Authority (if applicable)**

___ **Mandatory Disclosure of Campaign Contributions**

___ **Certificate of Compliance with State Tax Laws and with Unemployment Compensation Contribution Requirements**

___ **W9**

Price Proposal

___ **Acknowledgement of Addenda (if applicable)**

___ **Price Form**

Required with Lease, Post Award

___ **Disclosure Statement – Real Property Transactions (Appendix A)**

___ **Certificate of Good Standing (if applicable)**



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Minimum Quality Requirements Form

Quality requirements, or basic business requirements, are the minimum set of standards that an entity must meet and certify to be considered responsible and responsive. **Please complete the Quality Requirements form, below, and submit it with your completed bid.** The City of Somerville will disqualify any response that does not meet the minimum quality requirements. A "No" response to items 1 through 7, or a failure to respond to any of the following minimum standards, will result in disqualification of your bid.

QUALITY REQUIREMENTS		YES	NO
1.	Proposer has used, operated, maintained, or managed a property such as the Premises for three (3) or more years within the last ten (10) years.		
2.	Proposer has reliable and professional accounting support either internally or externally. Correspondence from an entity’s accountant, CPA, or bookkeeping company may be sufficient to show such support.		
3.	Proposer has sufficient equipment and/or contracts to obtain and maintain all the equipment on the entire Premises.		
4.	Proposer has current or past contracts for related or similar rink operations or management, or management of similar property, with any private, municipal or state entity within the last five (5) years.		
5.	Proposer has no lawsuits, administrative hearings, or other legal proceedings for or related to its business or its property management of similar properties in which proposer has been either a party or participant within the last five (5) years.		
6.	Proposer has no unresolved outstanding payments due to the City of Somerville.		
7.	Proposer must be in good standing with the City of Somerville with a history of positive healthy communication, consistent follow through on directives, and demonstrated successful community engagement. If Proposer has not worked with the City of Somerville then must provide reference from a similar Municipality.		

To provide verification of affirmative responses to items 1 through 7 under the quality requirements listed in the Quality Requirements Form, Offeror must submit written information that details the general background, experience, and qualifications of the organization. Subcontractors, if applicable, must be also included.



Non-Collusion Form and Tax Compliance Certification

Instructions: Complete each part of this two-part form and sign and date where indicated below.

A. NON-COLLUSION FORM

I, the undersigned, hereby certify under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person.

As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature: _____
(Individual Submitted Bid or Proposal)
Duly Authorized

Name of Business or Entity: _____

Date: _____

B. TAX COMPLIANCE CERTIFICATION

Pursuant to M.G.L. c. 62C, §49A, I certify under the penalties of perjury that, to the best of my knowledge and belief, I am in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support, as well as paid all contributions and payments in lieu of contributions pursuant to MGL 151A, §19A(b).

Signature: _____
(Duly Authorized Representative of Vendor)

Name of Business or Entity: _____

Social Security Number or Federal Tax ID#: _____

Date: _____



**Certificate of Authority
(Corporations Only)**

Instructions: Complete this form and sign and date where indicated below.

1. I hereby certify that I, the undersigned, am the duly elected Clerk/Secretary of

(Insert Full Name of Corporation)

2. I hereby certify that the following individual _____
(Insert the Name of Officer who Signed the Contract and Bonds)

is the duly elected _____ of said Corporation.
(Insert the Title of the Officer in Line 2)

3. I hereby certify that on _____
(Insert Date: Must be on or before Date Officer Signed Contract/Bonds)

at a duly authorized meeting of the Board of Directors of said corporation, at which a quorum was present, it was voted that

(Insert Name of Officer from Line 2) (Insert Title of Officer from Line 2)

of this corporation be and hereby is authorized to make, enter into, execute, and deliver contracts and bonds in the name and on behalf of said corporation, and affix its Corporate Seal thereto, and such execution of any contract of obligation in this corporation's name and on its behalf, with or without the Corporate Seal, shall be valid and binding upon this corporation; and that the above vote has not been amended or rescinded and remains in full force and effect as of the date set forth below.

4. **ATTEST:**

Signature: _____
(Clerk or Secretary)

AFFIX CORPORATE SEAL HERE

Printed Name: _____

Printed Title: _____

Date: _____

(Date Must Be on or after Date Officer Signed Contract/Bonds)



**Certificate of Authority
(Limited Liability Companies Only)**

Instructions: Complete this form and sign and date where indicated below.

1. I, the undersigned, being a member or manager of

(Complete Name of Limited Liability Company)

a limited liability company (LLC) hereby certify as to the contents of this form for the purpose of contracting with the City of Somerville.

2. The LLC is organized under the laws of the state of: _____.

3. The LLC is managed by **(check one)** a Manager or by its Members.

4. I hereby certify that each of the following individual(s) is:

- a member/manager of the LLC;
- duly authorized to execute and deliver this contract, agreement, and/or other legally binding documents relating to any contract and/or agreement on behalf of the LLC;
- duly authorized to do and perform all acts and things necessary or appropriate to carry out the terms of this contract or agreement on behalf of the LLC; and
- that no resolution, vote, or other document or action is necessary to establish such authority.

<u>Name</u>	<u>Title</u>

5. **Signature:**_____

Printed Name: _____

Printed Title:_____

Date: _____



**CITY OF SOMERVILLE CAMPAIGN CONTRIBUTION ORDINANCE SEC. 15-72*
MANDATORY DISCLOSURE AND CERTIFICATION FORM**

INSTRUCTIONS: APPLICANTS, PLEASE COMPLETE THE ENTIRE FORM AND FILE WITH THE SAME CITY OFFICE OR AGENCY WITH WHOM YOU FILED OR WILL FILE BELOW APPLICATION.

PART I. APPLICATION FOR ITEM

Describe the item you have, or will apply for, relating to this disclosure:

ITEM:	
TYPE (X):	<input type="checkbox"/> Contract <input type="checkbox"/> Zoning Relief <input type="checkbox"/> Real Estate <input type="checkbox"/> Financial Assistance
CITY DEPT. OR AGENCY:	

PART II. APPLICANT INFORMATION

Provide the following information for the Applicant:

NAME:	
ADDRESS:	
TELEPHONE NO.:	
E-MAIL:	

On Schedule A, you must also provide the same information for the Applicant’s principals, chief executive officer, president, chief financial officer, treasurer, chief operating officer, chief procurement officer, directors, or persons performing similar functions, or shareholders in excess of ten percent and managing agent to the extent applicable. **Please complete Schedule A. If not applicable, please check N/A on Schedule A.**

PART III. CAMPAIGN CONTRIBUTION DISCLOSURE

On Schedule B, Applicants must disclose all contributions made by the applicant during the 12 months prior to the application (identified in Part I), to any person who was a candidate for elective office of the City of Somerville (mayor, board of aldermen, and school committee). The attribution rules in Section 15-73 of the Somerville Code of Ordinances shall apply to the contributions that must be disclosed. **On Schedule B**, applicants must also disclose such contributions made by persons attributed to the applicant under the ordinance. If the applicant is an individual, any such contributions made by the individual, any spouse of the individual, and any children of the individual must be disclosed. If the applicant is not an individual but a corporation, partnership or limited liability corporation, then any contributions made by any of its chief executive officer, president, chief financial officer, treasurer, chief operating officer, chief procurement officer, directors, members, managers, principals, or persons performing similar functions, or shareholders in excess of ten percent, and their spouses and children, must be disclosed. **Please complete Schedule B. If disclosure is not required, please check N/A on Schedule B.** *Note: Contributions made before January 1, 2017 are not required to be disclosed.*

* Please see the Pay to Play and Campaign Contribution Ordinance for definitions and all requirements.

PART IV. SUBCONTRACTOR INFORMATION

Have you applied for a Contract and intend to use a subcontractor on this Contract? Yes No

If “**Yes**”, complete **Schedule C**. If “**No**”, **proceed to Part V**.

PART V. SIGNATURE, CERTIFICATION, AND ATTESTATION:

I, the undersigned applicant, hereby further certify as follows: If awarded the item that is applied for (as identified above) under subsections (a), (b), (c), or (d) in Section 15-72 of the Somerville Code of Ordinances, the Applicant, and anyone attributed to the Applicant, and if the application is for a contract any subcontractor used on the contract, will not make any contribution in any calendar year in an amount in excess of \$500.00 to any individual incumbent or to any individual candidate for elective office of the City of Somerville for the next four (4) calendar years following the award of the item, or for the duration of the term of the contract, whichever is longer.

Signed under the pains and penalties of perjury:

Signature of Affiant: _____ Title: _____

Printed Name of Affiant: _____ Date: _____

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

(Witnessed or attested by)

(Seal)

My Commission expires:

THIS FORM SHALL BE OPEN TO PUBLIC INSPECTION

SCHEDULE A – APPLICANT INFORMATION

INSTRUCTIONS: FOR EACH OF APPLICANT’S PRINCIPALS, CHIEF EXECUTIVE OFFICER, PRESIDENT, CHIEF FINANCIAL OFFICER, TREASURER, CHIEF OPERATING OFFICER, CHIEF PROCUREMENT OFFICER, DIRECTORS, OR PERSONS PERFORMING SIMILAR FUNCTIONS, OR SHAREHOLDERS IN EXCESS OF TEN PERCENT AND MANAGING AGENT TO THE EXTENT APPLICABLE, COMPLETE THE FOLLOWING. ATTACH ADDITIONAL PAGES IF REQUIRED.

IF NOT APPLICABLE, CHECK HERE: ____.

<u>NAME</u>	<u>POSITION</u>	<u>E-MAIL ADDRESS</u>	<u>PHONE NO.</u>	<u>ADDRESS</u>

SCHEDULE B- CONTRIBUTION DISCLOSURE INFORMATION

INSTRUCTIONS: FOR EACH CONTRIBUTION, YOU MUST DISCLOSE THE FOLLOWING INFORMATION. ATTACH ADDITIONAL PAGES IF REQUIRED.

Note: Contributions made before January 1, 2017 are not required to be disclosed.

IF NOT APPLICABLE, CHECK HERE: ____.

<u>NAME OF CONTRIBUTOR</u>	<u>RELATIONSHIP TO APPLICANT</u>	<u>NAME OF RECIPIENT</u>	<u>DATE OF CONTRIBUTION (MM/DD/YYYY)</u>	<u>AMOUNT OF CONTRIBUTION (\$.\$\$)</u>



SECRETARY OF THE COMMONWEALTH'S

CERTIFICATE OF GOOD STANDING

CERTIFICATE OF GOOD STANDING as provided by the Secretary of the Commonwealth

The **Awarded Vendor** must comply with our request for a **CURRENT "Certificate of Good Standing"** provided by the Secretary of the Commonwealth's Office

NOTE: A Certificate of Good Standing provided by the Department of Revenue will NOT be accepted. The Certificate *must* be provided by the Secretary of the Commonwealth's Office.

If you require information on how to obtain the "Certificate of Good Standing" or Certificate of Registration (Foreign Corporations) from the Commonwealth of Massachusetts, please call the

Secretary of The Commonwealth's Office at (617) 727-2850 (Press #1) located at One (1) Ashburton Place, 17 Floor, Boston, MA 02133 or you may access their web site at:
<http://corp.sec.state.ma.us/CorpWeb/Certificates/CertificateOrderForm.aspx>

If your company is incorporated outside of Massachusetts and therefore is a "foreign corporation", but is registered to do business in Massachusetts, please comply with our request for the Certificate of Registration from the Commonwealth of Massachusetts. If your company is a foreign corporation, but is not registered to do business in Massachusetts, please provide the Certificate of Good Standing from your state of incorporation.

Please note that without the above certificate (s), the City of Somerville cannot execute your contract.

IMPORTANT NOTICE

Requests for Certificates of Good Standing by mail may take a substantial amount of time. A certificate may be obtained immediately in person at the Secretary's Office at the address above. Also, at this time, the Secretary of State's Office may not have your current annual report recorded. If this is the case, and you are therefore unable to obtain the Certificate of Good Standing, please forward a copy of your annual report filing fee check with your signed contracts. Please forward your original Certificate of Good Standing to the Purchasing Department upon receipt.

APPENDIX A
DISCLOSURE STATEMENT
Real Property Transactions

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

INSTRUCTION SHEET

NOTE: The Division of Capital Asset Management and Maintenance (DCAMM) shall have no responsibility for insuring that the Disclosure Statement has been properly completed as required by law. Acceptance by DCAMM of a Disclosure Statement for filing does not constitute DCAMM's approval of this Disclosure Statement or the information contained therein. Please carefully read M.G.L. c. 7C, s. 38 which is reprinted in Section 8 of this Disclosure Statement.

Section (1): Identify the real property, including its street address, and city or town. If there is no street address then identify the property in some other manner such as the nearest cross street and its tax assessors' parcel number.

Section (2): Identify the type of transaction to which this Disclosure Statement pertains --such as a sale, purchase, lease, etc.

Section (3): Insert the exact legal name of the Public Agency participating in this Transaction with the Disclosing Party. The Public Agency may be a Department of the Commonwealth of Massachusetts, or some other public entity. Please do not abbreviate.

Section (4): Insert the exact legal name of the Disclosing Party. Indicate whether the Disclosing Party is an individual, tenants in common, tenants by the entirety, corporation, general partnership, limited partnership, LLC, or other entity. If the Disclosing Party is the trustees of a trust then identify the trustees by name, indicate that they are trustees, and add the name of the trust.

Section (5): Indicate the role of the Disclosing Party in the transaction by checking one of the blanks. If the Disclosing Party's role in the transaction is not covered by one of the listed roles then describe the role in words.

Section (6): List the names and addresses of every legal entity and every natural person that has or will have a direct or indirect beneficial interest in the real property. The only exceptions are those stated in the first paragraph of the statute that is reprinted in Section 8 of this Disclosure Statement. If the Disclosing Party is another public entity such as a city or town, insert "inhabitants of the (name of public entity)." If the Disclosing Party is a non-profit with no individual persons having any beneficial interest then indicate the purpose or type of the non-profit entity. If additional space is needed, please attach a separate sheet and incorporate it by reference into Section 6.

Section (7): Check "NONE" in the box if none of the persons mentioned in Section 6 is employed by DCAMM or an official elected to public office in the Commonwealth of Massachusetts. Otherwise list any parties disclosed in Section 6 that are employees of DCAMM or an official elected to public office.

Section (8): The individual signing this statement on behalf of the Disclosing Party acknowledges that he/she has read the included provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts.

Section (9): Make sure that this Disclosure Statement is signed by all required parties. If the Disclosing Party is a corporation, please make sure that this Disclosure Statement is signed by a duly authorized officer of the corporation as required by the statute reprinted in Section 8 of this Disclosure Statement.

DCAMM's acceptance of a statement for filing does not signify any opinion by DCAMM that the statement complies with applicable law.

This completed and signed Disclosure Statement should be mailed or otherwise delivered to:

Deputy Commissioner for Real Estate
Division of Capital Asset Management and Maintenance
One Ashburton Place, 15th Floor, Boston, MA 02108

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

The undersigned party to a real property transaction with a public agency hereby discloses and certifies, under pains and penalties of perjury, the following information as required by law:

(1) REAL PROPERTY:

(2) TYPE OF TRANSACTION, AGREEMENT, or DOCUMENT:

(3) PUBLIC AGENCY PARTICIPATING in TRANSACTION:

(4) DISCLOSING PARTY'S NAME AND TYPE OF ENTITY:

(5) ROLE OF DISCLOSING PARTY (Check appropriate role):

_____ Lessor/Landlord

_____ Lessee/Tenant

_____ Seller/Grantor

_____ Buyer/Grantee

_____ Other (Please describe): _____

(6) The names and addresses of all persons and individuals who have or will have a direct or indirect beneficial interest in the real property excluding only 1) a stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation or 2) an owner of a time share that has an interest in a leasehold condominium meeting all of the conditions specified in M.G.L. c. 7C, s. 38, are hereby disclosed as follows (attach additional pages if necessary):

NAME

RESIDENCE

(7) None of the above-named persons is an employee of the Division of Capital Asset Management and Maintenance or an official elected to public office in the Commonwealth of Massachusetts, except as listed below (Check "NONE" if NONE):

NONE

NAME:

POSITION:

**DISCLOSURE STATEMENT FOR
TRANSACTION WITH A PUBLIC AGENCY CONCERNING REAL PROPERTY
M.G.L. c. 7C, s. 38 (formerly M.G.L. c. 7, s. 40J)**

- (8) The individual signing this statement on behalf of the above-named party acknowledges that he/she has read the following provisions of Chapter 7C, Section 38 (formerly Chapter 7, Section 40J) of the General Laws of Massachusetts:

No agreement to rent or to sell real property to or to rent or purchase real property from a public agency, and no renewal or extension of such agreement, shall be valid and no payment shall be made to the lessor or seller of such property unless a statement, signed, under the penalties of perjury, has been filed by the lessor, lessee, seller or purchaser, and in the case of a corporation by a duly authorized officer thereof giving the true names and addresses of all persons who have or will have a direct or indirect beneficial interest in said property with the commissioner of capital asset management and maintenance. The provisions of this section shall not apply to any stockholder of a corporation the stock of which is listed for sale to the general public with the securities and exchange commission, if such stockholder holds less than ten per cent of the outstanding stock entitled to vote at the annual meeting of such corporation. In the case of an agreement to rent property from a public agency where the lessee's interest is held by the organization of unit owners of a leasehold condominium created under chapter one hundred and eighty-three A, and time-shares are created in the leasehold condominium under chapter one hundred and eighty-three B, the provisions of this section shall not apply to an owner of a time-share in the leasehold condominium who (i) acquires the time-share on or after a bona fide arms length transfer of such time-share made after the rental agreement with the public agency is executed and (ii) who holds less than three percent of the votes entitled to vote at the annual meeting of such organization of unit owners. A disclosure statement shall also be made in writing, under penalty of perjury, during the term of a rental agreement in case of any change of interest in such property, as provided for above, within thirty days of such change.

Any official elected to public office in the commonwealth, or any employee of the division of capital asset management and maintenance disclosing beneficial interest in real property pursuant to this section, shall identify his position as part of the disclosure statement. The commissioner shall notify the state ethics commission of such names, and shall make copies of any and all disclosure statements received available to the state ethics commission upon request.

The commissioner shall keep a copy of each disclosure statement received available for public inspection during regular business hours.

- (9) This Disclosure Statement is hereby signed under penalties of perjury.

PRINT NAME OF DISCLOSING PARTY (from Section 4, above)

AUTHORIZED SIGNATURE of DISCLOSING PARTY DATE (MM / DD / YYYY)

PRINT NAME & TITLE of AUTHORIZED SIGNER

CITY OF SOMERVILLE
EXECUTIVE POLICY ON ADVERTISING ON CITY PROPERTY

Policy No. ____
Adopted: _____, 2013
Distribution: All Departments

I. Purpose

The purpose of this policy (Policy) is for the City of Somerville to establish uniform, viewpoint-neutral standards under which commercial advertising will be permitted in city facilities or on city equipment or property.

In setting its advertising standards, the CITY seeks to fulfill the following goals and objectives:

- a. Encourage commercial advertising where appropriate, while maximizing revenue therefore;
- b. Maintaining the safe and orderly operation of the CITY including a safe and welcoming environment for all persons; and
- c. Avoiding the identification of the CITY with advertisements or the viewpoints of the advertisers.

II. Application

The CITY, acting by and through its Mayor, reserves the right, from time to time, to suspend, modify, or revoke the application of any or all of this Policy as it deems necessary to comply with legal requirements or to fulfill the goals and objectives referred to herein. All the provisions of this Policy shall be deemed severable.

III. Authorized City Property

Advertising is generally prohibited in city facilities or on city property except for the following:

- (a) Bike Share System (including bike equipment, station panels and kiosks);
- (b) Ice Skating Rinks (interior surfaces and signage);
- (c) Dilboy Field (scoreboard and signage);
- (d) Trum Field (scoreboard and signage);
- (e) City Website (limited to designated site pages).

The display of advertising on any authorized CITY property is subject to this Policy and all applicable federal, state, and local laws, ordinances, and regulations.

IV. Disclaimer

All advertisements on CITY property, or as authorized under any CITY contract, shall include the following language: “The views expressed in this advertisement do not necessarily reflect the views of the City of Somerville. This advertisement does not constitute an endorsement by the City of Somerville.”

V. City of Somerville Advertisements and Notices

The CITY has the unqualified right to display, on or in its facilities and properties, advertisements and notices that pertain to CITY functions, events, notices, or similar public purposes, consistent with the provisions of its agreement with any contractor.

VI. Conditions for Approval

Commercial advertising will be permitted under the following conditions:

- (a) A fee or other valuable consideration must be paid to the CITY.
- (b) Advertising is placed in an approved area or areas.
- (c) A signed agreement exists between the CITY and/or its contractor and the advertiser, which includes this Policy as an attachment and requires the following: (1) the contractor must comply with the advertising standards set forth in this Policy, as amended; (2) the contractor must display only those advertisements that are in compliance with this Policy; (3) the contractor must promptly remove any advertisements that are in violation of this policy upon written demand by the CITY; and (4) the contractor expressly agrees that any advertisement does not constitute an endorsement, recommendation or favoring of any product, service, process or organization by the City of Somerville. Any product or service referenced is the sole responsibility of the contractor and the City of Somerville makes no warranty and assumes no liability or responsibility for the accuracy, completeness, or usefulness of any information, apparatus, product, or process disclosed.
- (d) The CITY retains approval of the advertising text, image, or display prior to any installation, such approval to be at the discretion of the appropriate CITY Department Head, Board, or Official consistent with this Policy. Such approval shall be in addition to, and not in lieu of, any other permits, approvals or other required governmental authorizations.

VII. Advertising Standards

- (a) Advertising on CITY property shall constitute nonpublic forums that are subject to the viewpoint-neutral restrictions set forth below.

- (b) **Prohibited Advertisements.** Certain forms of paid and unpaid advertising will not be permitted for placement or display on or in CITY facilities or properties. The CITY shall not display or maintain any advertisement that falls within one or more of the following categories:
- 1) **Demeaning or disparaging.** The advertisement contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, the CITY will determine whether a reasonably prudent person, knowledgeable of the CITY and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.
 - 2) **Tobacco.** The advertisement promotes the sale or use of tobacco or tobacco-related products, including depicting such products.
 - 3) **Alcoholic Beverages.** The advertisement promotes the sale or use of alcohol or alcohol-related products, including depicting such products.
 - 4) **Profanity.** The advertisement contains profane language.
 - 5) **Firearms.** The advertisement contains an image of a firearm.
 - 6) **Violence.** The advertisement contains an image or description of graphic violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices used in the advertisement in an act or acts of violence or harm on a person or animal.
 - 7) **Unlawful goods or services.** The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
 - 8) **Unlawful conduct.** The advertisement, or any material contained in it, promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.
 - 9) **Obscenity or Nudity.** The advertisement contains obscene material or images of nudity. For purposes of this Policy, the terms “obscene” and “nudity” shall have the meanings contained in Massachusetts General Laws Ch. 272, § 31.
 - 10) **Prurient sexual suggestiveness.** The advertisement contains material that describes, depicts, or represents sexual activities or aspects of the human anatomy in a way that the average adult,

applying contemporary community standards, would find appeals to the prurient interest of minors or adults in sex. For purposes of the Policy, the term “minor” shall have the meaning contained in Massachusetts General Laws Ch. 272, § 31.

- 11) Political campaign speech. The advertisement contains political campaign speech. For purposes of the Policy, the term “political campaign speech” is speech that (1) refers to a specific ballot question, initiative petition, or referendum, or (2) refers to any candidate for public office.
- 12) Endorsement. The advertisement, or any material contained in it, implies or declares an endorsement by the CITY of any service, product, process, organization, or point of view, without prior written authorization of the CITY.
- 13) False, misleading, or deceptive commercial speech. The advertisement proposes a commercial transaction, and the advertisement, or any material contained in it, is false, misleading, or deceptive.
- 14) Libelous speech, copyright infringement, etc. The advertisement, or any material contained in it, is libelous or an infringement of copyright, or is otherwise unlawful or illegal or likely to subject the CITY to litigation.
- 15) “Adult”- oriented goods or services. The advertisement promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated “X” or “NC- 17,” adult book stores, adult video stores, nude dance clubs and other adult entertainment establishments, adult telephone services, adult Internet sites, and escort services.

(c) **Additional Advertising Standards for Certain City Facilities, Equipment or Properties**

Reserved for future use.

Adopted:


Joseph A. Curtatone, Mayor

Date: February 5, 2013



City of Somerville

Request for Proposals for Founders Ice Arena Operations, Management, and Maintenance

Site Visits

A Site visit prior to proposal submission is mandatory. Site visits should be arranged with the Purchasing Department. Site visits will be scheduled for February 11th 11am to 1pm and February 12th 10am to 12 pm. Please refer to the Pre-bid Site Visit instructions for protocols. An RSVP is required to accommodate occupancy restrictions. All proposers must obtain a Purchasing staff signature showing that they have visited this location. All proposals shall be deemed to have been made with full knowledge and understanding of the existing Premises conditions.

Questions during the Proposal Period

All Proposer questions must be submitted in writing. Written questions must be received by the date listed in the chart below and directed to the Procurement Manager, Andrea Caruth:

By E-mail: acaruth@somervillema.gov or purchasing@somervillema.gov; or Fax No.: 617-625-1344; or

Mail to:

City of Somerville, Purchasing Department
93 Highland Ave
Somerville, MA 02143
ATTN: Andrea Caruth, Purchasing Department

Inquiries not received by said deadline will not be answered. Proposers should not contact individual City of Somerville staff directly. To ensure fair notice to all prospective Proposers, the City of Somerville staff will reply to all inquiries in writing on the City of Somerville website. No answers to substantive questions will be provided in person or by telephone.

Presentations and Interviews

Following a review of the submitted mandated items and proposals that are timely and otherwise properly submitted, the City of Somerville may conduct interviews with the top scoring proposers. Interviews may be held by videoconference or teleconference (via phone and/or internet). The purpose of any interview will be to clarify proposals and evaluate the qualities, expertise and operational concepts of the Proposer's proposal. No additional proposal material will be accepted at interviews.

RFP Proposal Schedule – SUBJECT TO CHANGE

Proposers are encouraged to frequently (i.e. daily until an Award is posted) check the City of Somerville web page for this RFP for amendments, answers, and schedule updates.	
Pre-Proposal Site Visits must be completed by	February 11, 2021 11 am – 1pm February 12, 2021 10am – 12pm
Written and e-mail questions must be received by	February 17, 2021, 5pm
Answers to written questions will be posted by	February 24, 2021



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Proposal packages due at City of Somerville Purchasing Office by	March 11, 2021, By 2 pm
Estimated Date of Interviews, if any, will be held	March 22-26, 2021
Once award is issued, deposits, insurance certificates (self-insurance letters, bonds), etc., will be due within ten (10) business days after notice to apparent winning Proposer	TBD
Estimated Date of Award	05/01/2021
Estimated Date of Finalized Permit Issuance	TBD
Rink Transition	May-June, 2021

The following is made a requirement within the RFP; is a mandatory requirement to be shown in any proposal; and will be contained in any Award Notice and Permit Agreement:

Correcting, Modifying or Withdrawing Proposals

Proposal documents may be corrected, modified, or withdrawn at any time prior to the proposal due date when the proposal packages will be opened. Modifications should be submitted in writing, sealed, and marked in the same manner as the original proposal package.

Mandatory Terms and Conditions; Permit Issuance

To commence operations, the Permittee must receive and sign a duly issued Award Notice. Thereafter, the City of Somerville will draft, and the parties will execute a permit agreement. All provisions, conditions and terms in this RFP and any Award Notice are obligatory and enforceable during the permit drafting process.

Conflict of Interest

Any Proposer that is currently providing goods or services to the City of Somerville as a vendor, consultant, contractor or subcontractor, employee, or in any other capacity, should disclose all projects or contracts that the Proposer is performing for or entered into with the City of Somerville, and the Proposer’s plan to address and resolve such conflicts of interest, if any. The City of Somerville reserves the right, in its sole discretion, to request additional information from a Proposer on potential conflicts of interest and to limit or prohibit the participation of any Proposer due to any conflict of interest. To the extent that M.G.L. c. 268A may be applicable, the Proposers and their officers, agents and employees shall be fully responsible for ensuring their compliance with the requirements of said chapter 268A.

III. Description of the Premises

Ice skating is a popular recreational activity for people of all ages and abilities. The City of Somerville directly operates 2 skating rinks in Somerville, and this RFP is for an operator to lease the rink (Founders Rink) owned by the City. The premise consists of a parking lot and basketball courts. The parking lot can be used for the vendors of the Founders rink. However, during the City snow emergencies the parking will be occupied by the residents of Somerville for snow parking.

The basketball courts adjacent to the Founders rink are permitted through the City’s Parks & Recreation department. Such courts are open to the public and cannot be used by the vendor or any league without a



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permit from Parks & Recreation. Considering the parking lot is owned and maintained by the City of Somerville. Use of such parking lot cannot be used by patrons or vendors of Veteran's Memorial rink unless winning bidder secures the DCR Veteran's operational permit.

The Veteran's Memorial Ice Arena is owned by Department of Conservation and Recreation (DCR), whereas the Founders Rink is owned by the City. The Permit agreement between the City of Somerville and DCR ends May 31, 2021. The City of Somerville will not at this time be pursuing continuation of our Permit with DCR for Veterans Memorial Ice Arena at the expiration of such Permit. All proposals shall be deemed to be made with sufficient knowledge and understanding of the existing physical conditions of the Premises. Any limitations or conditions of acceptance must be clearly stated in the proposal submission.

Any bidders that contact City personnel outside of the Purchasing Department regarding this bid may be disqualified.

IV. Submission Requirements for Proposals

All proposals shall be in English, in writing, in a legible format and shall present in clear and sufficient detail the information requested in the following sections of this RFP:

- A. Qualification Information;
- B. Mandates;
- C. Compensation to the City of Somerville;
- D. Description of Entity and Related Experience;
- E. Allocation of Time;
- F. Description of Services to be Provided; and
- G. Financial, Rate and Budget Information.

Any information that contains personally identifiable information, confidential or proprietary information of a third party should be considered carefully, clearly marked as such, and separated if possible.

A. *Qualification Information*

The following information must be presented by **all** Proposers. Failure to provide this information will disqualify your proposal.

1. Proposer must show that it has used, operated, maintained or managed a property such as the Premises for three (3) or more years within the last ten (10) years.
2. Proposer must show it has sufficient equipment and/or contracts to obtain and maintain all the equipment on the entire Premises.
3. A detailed list of any current or past contracts for related or similar rink operations or management, or management of similar property, with any private, municipal, or state entity within the last five (5) years. Please include years, basic contact information for the owner of the rink or property, and estimated contract value.



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4. Proposer must show that it has reliable and professional accounting support either internally or externally. Correspondence from an entity's accountant, CPA, or bookkeeping company may be sufficient to show such support.
5. Proposer must list any lawsuits, administrative hearings, or other legal proceedings for or related to its business or its property management of similar properties in which proposer has been either a party or participant within the last five (5) years.
6. Outstanding liabilities – Proposer may not have any unresolved outstanding payments due to the City of Somerville, and must demonstrate a good payment history in any prior dealings with the City of Somerville.
7. Proposer must be in good standing with the City of Somerville with a history of positive healthy communication, consistent follow through on directives, and demonstrated successful community engagement. If Proposer has not worked with the City of Somerville then must provide reference from a similar Municipality.

B. Mandates

Failure to remit the following items in this section will result in the City of Somerville's immediate and automatic rejection of a proposal:

1. A completed and signed Certificate of Compliance with State Tax Laws and with Unemployment Compensation Contribution Requirements (attached at the end of this document) and, if available at time of proposal, a current Tax Good Standing Certificate from the Massachusetts Department of Revenue or the United States Internal Revenue Service; and
2. A completed and signed Commonwealth W-9 Form (attached at the end of this document); and
3. A letter on letterhead from an insurance company or broker, duly licensed to conduct business within the Commonwealth, specifying that the Proposer is qualified to meet and obtain insurance in appropriate amounts; or for municipalities, proof (i.e., letter from treasurer or town financial officer) that the entity is self-insured in at least the same amount or more; or for any party the ability to provide and maintain a performance, payment bond or letter of credit; and
4. Proof and acknowledgement of a Site visit and completion of the Proposal Submission Form attached to this document; and
5. Proposer must provide at least two (2) written business references with whom the Proposer has had in the present or within the last five (5) years, contractual obligations to provide rink operations or management services; and made timely payments. Said references must be from businesses or other entities with whom Proposer has provided such services or from whom Proposer obtains service or contracts with otherwise. References must include current verifiable contact information. References may be contacted by the City of Somerville evaluation team and further references may be requested. These references should be in addition to any other references required elsewhere in this RFP (i.e., those concerning insurance, etc.); and
6. If the proposer is a corporation or LLC, a Massachusetts certificate of good standing is required.



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Request for Proposals for Founders Ice Arena Operations, Management, and Maintenance

7. Compensation to the Commonwealth, as described in Section C below.

C. Compensation

A minimum annual fee payable to the City of Somerville of no less than:

1. Twenty-five Thousand (\$25,000.00) Dollars per year, excluding all permittee's operating expenses, insurance, debt, depreciation, equipment, labor, administrative expenses, any other fees due to any other entity or municipality, and profit; and
2. The City will also consider a compensation proposal in lieu of the stipulated minimum annual fee which can include but is not limited to profit percentages, fixed fee plus variable fee, or other arrangements. However, such a proposal must clearly state an annual minimum compensation to the City.
3. Permittee shall also pay for all non-structural repairs, all utility expenses, and code compliance (air quality, health standards, non-structural/infrastructure related building code items (including but not limited to fire suppression compliance, alarm systems, temperature controls, cleanliness, painting, light elements replacement, safety and security components, etc.).
4. The City of Somerville will be responsible for grounds keeping, graffiti control, exterior painting, fencing repair, mowing, snow and trash removal, etc. Snow/ice, removal includes the parking lot adjacent to the Founders Ice Arena, and the sidewalks around Founders. Trash removal includes barrels surrounding facility and empty of the Founders' dumpster. Grounds keeping includes area surrounding Founders Ice Arena, parking lot, courts, and sidewalks surrounding Founders Ice Arena.

Upon issuance of an Award Notice the successful Proposer shall remit Ten Thousand (\$10,000.00) Dollars as a deposit, to be credited against the first season fee payment hereunder. Deposits shall be paid by using either a money order, cashier's check, or certified bank check and shall be made payable exclusively to the "The City of Somerville."

The City of Somerville may use a net present value formula to distinguish between proposals with equal compensation amounts.

Proposals lower than any required minimum or excepting out certain operational expenses will automatically be disqualified and rejected.

Proposers should provide all of the following information in sub-sections below. Proposers will be evaluated on the quality of the information provided.

D. Description of Entity and Related Experience

1. A complete written description and history of the proposing entity or all staff who will oversee the funding and operation of the rink. Please include the Proposer's experience with this type of property or operation.
2. Resumes of all principals and managers of the facility. The City of Somerville is looking for principals and managers that have demonstrated proof of experience of at least three (3) years in the operation and management of this type of property.
3. A list of the names and addresses of all principals or Managers who have more than a one (1%) percent financial interest in the proposing entity.



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4. An “organizational chart,” preferably in a “tree” form detailing the chain of command of the management and operating personnel of the proposer and the proposed operation at the Premises.
5. Proposer must provide a list and explanation of job descriptions for all anticipated operating personnel; a list of proposed staff at this location; and include experience and history of staff with the Proposer. No names of actual staff are required at this time.

E. Allocation of Ice Time

1. Ice time at the Rink shall be allocated to the following user groups listed in priority order:
 - a. Somerville non-profit youth groups
 - b. Somerville High School hockey
 - c. Youth groups other than non-profit groups
 - d. Adult organizations or informal groups.
2. Ice time may be allocated at the discretion of the Permittee with the following restrictions:
 - a. Somerville non-profit youth groups must have 1st refusal of ice time.
 - b. Public skating hours must be a minimum of six (6) hours per week.

The Permittee shall honor any previously agreed upon ice time rental contracts for the first season, **provided it meets the priority schedule.**

F. Description of Operations:

3. Complete written description of the operation and services to be provided to rink visitors including but not limited to:
 - a. A detailed description, photos, schematics, etc., of the proposed rink uses including public (all skate and stick) ice time, concessions, any specific team or group uses, non-skating events or parties, any summer or off-season uses, and any other operations proposed to be offered at the Premises.
 - i. Proposers shall show how the priority order of group ice time schedules as listed below (i.e. how will the proposing entity address the use schedules of the priority groups to achieve and maintain the required order).
 - 1) Somerville Non-profit youth groups
 - 2) High school hockey
 - 3) Youth groups other than non-profit groups
 - 4) Adult organizations or informal groups.
 - b. Maintenance, general operations, staffing, training, and financial management plans including:
 - c. A community focused operational plan to include inclusionary initiatives that support the City Somerville core values such as but not limited to Shape Up Somerville, gender



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equity, and collaborations with Somerville Parks & Recreation, Somerville youth leagues, and the Somerville Public Schools.

4. Any proposed interior layout changes, signage, cleaning plans, maintenance, or changes to any internal areas inside the rink, including walls, windows, doors, etc.; and
5. Proposer's planned marketing, sponsorship, outreach, or discount programs, etc., if any.
6. Proposer's auditable sales and accounting plans for the Premises including:
 - a. Fee collection (including cash and credit card management) system, including detailed price lists, event/door split policies, etc., for the Premises; and
 - b. General description of any related services, food, merchandise, sales, events, programming or other revenue-generating operations now in place, if any, and those planned in the future for the Premises; and
 - c. A plan for the prevention of fraud, waste, theft, and abuse by staff, patrons or other third parties.
7. A description of equipment or contracts for any equipment to be operated on the Premises and any proposed operational system, including repair or service contracts for all rink systems and equipment.
8. Hourly/daily staffing contingency coverage plans, including emergency plans for handling customer safety, accidents, other incidents, damage claims, communications, etc.
9. Safety and security plans or procedures for the Premises to ensure patrons, staff, nearby park visitors, and the general public are safely evacuated and emergencies are handled properly including installation and maintenance of defibrillators or extinguishers, video recording equipment, alarm systems, all equipment inspection and maintenance, operator certification and training updates, written or posted emergency and daily operations procedures or protocols, etc.

G. Financial, Rate and Budget Information

1. Proposers shall prepare and submit a pro forma statement for operation of the Premises that includes:
 - a. Projected revenues estimated yearly for up to five (5) years, commencing July 1, 2021. The proposal should include revenue from all actual and proposed. Proposer should include a list of proposed rates to be charged including any discount or other programs.
 - b. A statement of projected expenses and costs should include the following categories:
2. Proposers shall prepare and submit a pro forma statement for operation of the Premises that includes:
 - a. Projected revenues estimated yearly for up to five (5) years, commencing July 2021. The proposal should include revenue from all actual and proposed. Proposer should include a list of proposed rates to be charged including any discount or other programs.
 - b. A statement of projected expenses and costs should include the following categories:
 - i. General and Administrative expenses including all forms of overhead, supplies, management and accounting expenses;



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- ii. Any other expenses including insurance, bond or Letter of Credit taxes, and any local, state or federal fees for permits (i.e., food service permits and training);
 - iii. Salary and Wages of all management and staff including a breakdown of hourly wages for all staff (full- and part- time), other wages, salaries, benefits, holiday, vacation and sick pay; wages or rates for on call personnel, weekend or non-skating/off-season management and staffing;
 - iv. All property related expenses including system upgrades and maintenance, transportation, Zamboni and ice edger maintenance, coolant, utility and security related expenses, and concession supplies. Currently the City of Somerville owns 2 Zamboni's. Ownership of Zamboni's will remain with the City of Somerville.
 - v. The pro forma and proposal shall include and explain proposer's estimate of profit and any other sources of revenue, including proposed fees, service charges, concession revenue, etc.
3. Financial statements for the proposing entity for the last two (2) fiscal years audited by a Certified Public Accountant, including profit and loss statements, balance sheets and cash flows; or for individuals copies of signed and filed federal and state tax returns for the last two (2) tax years; or for municipalities, please provide information that demonstrates the ability to fund and operate the rink, **(i.e., demonstrate financial operational capacity and stability (e.g., bonding/loan capacity, lines of credit, reserve funds, in-house labor, supplies, materials, etc.)).**
 4. Written evidence (i.e., letters, on letterhead) of proposers' positive and timely payment history. Said letters must reference payment histories from the last five (5) years. Said letters must be from actual and current payees who can be contacted. If available, a Dun & Bradstreet report, or other credit history report or rating information.

V. Rule for Award and Evaluation Criteria

The City of Somerville will select the responsive and responsible Permittee submitting the most advantageous proposal, taking into consideration all quality requirements and comparative criteria as set forth in this RFP including compensation offered.

All proposals will be reviewed by an evaluation committee composed of employees of the City. Final selection will be based upon the evaluators' analysis of the information and materials required under the RFP and provided by the proposing vendors in their submissions. The City reserves the right to involve an outside consultant in the selection process. Proposals that meet the minimum quality requirements will be reviewed for responses to the comparative evaluation criteria. The evaluation committee will assign a rating of Highly Advantageous, Advantageous, Not Advantageous, or Unacceptable to the comparative evaluation criteria.

The Comparative Evaluation Criteria set forth in this section of the RFP shall be used to evaluate responsible and responsive proposals. The criteria to be used in evaluating the responses include the following:

- 1) Qualification Information;



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permit from Parks & Recreation. Considering the parking lot is owned and maintained by the City of Somerville. Use of such parking lot cannot be used by patrons or vendors of Veteran's Memorial rink unless winning bidder secures the DCR Veteran's operational permit.

The Veteran's Memorial Ice Arena is owned by Department of Conservation and Recreation (DCR), whereas the Founders Rink is owned by the City. The Permit agreement between the City of Somerville and DCR ends May 31, 2021. The City of Somerville will not at this time be pursuing continuation of our Permit with DCR for Veterans Memorial Ice Arena at the expiration of such Permit. All proposals shall be deemed to be made with sufficient knowledge and understanding of the existing physical conditions of the Premises. Any limitations or conditions of acceptance must be clearly stated in the proposal submission.

Any bidders that contact City personnel outside of the Purchasing Department regarding this bid may be disqualified.

IV. Submission Requirements for Proposals

All proposals shall be in English, in writing, in a legible format and shall present in clear and sufficient detail the information requested in the following sections of this RFP:

- A. Qualification Information;
- B. Mandates;
- C. Compensation to the City of Somerville;
- D. Description of Entity and Related Experience;
- E. Allocation of Time;
- F. Description of Services to be Provided; and
- G. Financial, Rate and Budget Information.

Any information that contains personally identifiable information, confidential or proprietary information of a third party should be considered carefully, clearly marked as such, and separated if possible.

A. *Qualification Information*

The following information must be presented by **all** Proposers. Failure to provide this information will disqualify your proposal.

1. Proposer must show that it has used, operated, maintained or managed a property such as the Premises for three (3) or more years within the last ten (10) years.
2. Proposer must show it has sufficient equipment and/or contracts to obtain and maintain all the equipment on the entire Premises.
3. A detailed list of any current or past contracts for related or similar rink operations or management, or management of similar property, with any private, municipal, or state entity within the last five (5) years. Please include years, basic contact information for the owner of the rink or property, and estimated contract value.



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4. Proposer must show that it has reliable and professional accounting support either internally or externally. Correspondence from an entity's accountant, CPA, or bookkeeping company may be sufficient to show such support.
5. Proposer must list any lawsuits, administrative hearings, or other legal proceedings for or related to its business or its property management of similar properties in which proposer has been either a party or participant within the last five (5) years.
6. Outstanding liabilities – Proposer may not have any unresolved outstanding payments due to the City of Somerville, and must demonstrate a good payment history in any prior dealings with the City of Somerville.
7. Proposer must be in good standing with the City of Somerville with a history of positive healthy communication, consistent follow through on directives, and demonstrated successful community engagement. If Proposer has not worked with the City of Somerville then must provide reference from a similar Municipality.

B. Mandates

Failure to remit the following items in this section will result in the City of Somerville's immediate and automatic rejection of a proposal:

1. A completed and signed Certificate of Compliance with State Tax Laws and with Unemployment Compensation Contribution Requirements (attached at the end of this document) and, if available at time of proposal, a current Tax Good Standing Certificate from the Massachusetts Department of Revenue or the United States Internal Revenue Service; and
2. A completed and signed Commonwealth W-9 Form (attached at the end of this document); and
3. A letter on letterhead from an insurance company or broker, duly licensed to conduct business within the Commonwealth, specifying that the Proposer is qualified to meet and obtain insurance in appropriate amounts; or for municipalities, proof (i.e., letter from treasurer or town financial officer) that the entity is self-insured in at least the same amount or more; or for any party the ability to provide and maintain a performance, payment bond or letter of credit; and
4. Proof and acknowledgement of a Site visit and completion of the Proposal Submission Form attached to this document; and
5. Proposer must provide at least two (2) written business references with whom the Proposer has had in the present or within the last five (5) years, contractual obligations to provide rink operations or management services; and made timely payments. Said references must be from businesses or other entities with whom Proposer has provided such services or from whom Proposer obtains service or contracts with otherwise. References must include current verifiable contact information. References may be contacted by the City of Somerville evaluation team and further references may be requested. These references should be in addition to any other references required elsewhere in this RFP (i.e., those concerning insurance, etc.); and
6. If the proposer is a corporation or LLC, a Massachusetts certificate of good standing is required.



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Request for Proposals for Founders Ice Arena Operations, Management, and Maintenance

7. Compensation to the Commonwealth, as described in Section C below.

C. Compensation

A minimum annual fee payable to the City of Somerville of no less than:

1. Twenty-five Thousand (\$25,000.00) Dollars per year, excluding all permittee's operating expenses, insurance, debt, depreciation, equipment, labor, administrative expenses, any other fees due to any other entity or municipality, and profit; and
2. The City will also consider a compensation proposal in lieu of the stipulated minimum annual fee which can include but is not limited to profit percentages, fixed fee plus variable fee, or other arrangements. However, such a proposal must clearly state an annual minimum compensation to the City.
3. Permittee shall also pay for all non-structural repairs, all utility expenses, and code compliance (air quality, health standards, non-structural/infrastructure related building code items (including but not limited to fire suppression compliance, alarm systems, temperature controls, cleanliness, painting, light elements replacement, safety and security components, etc.).
4. The City of Somerville will be responsible for grounds keeping, graffiti control, exterior painting, fencing repair, mowing, snow and trash removal, etc. Snow/ice, removal includes the parking lot adjacent to the Founders Ice Arena, and the sidewalks around Founders. Trash removal includes barrels surrounding facility and empty of the Founders' dumpster. Grounds keeping includes area surrounding Founders Ice Arena, parking lot, courts, and sidewalks surrounding Founders Ice Arena.

Upon issuance of an Award Notice the successful Proposer shall remit Ten Thousand (\$10,000.00) Dollars as a deposit, to be credited against the first season fee payment hereunder. Deposits shall be paid by using either a money order, cashier's check, or certified bank check and shall be made payable exclusively to the "The City of Somerville."

The City of Somerville may use a net present value formula to distinguish between proposals with equal compensation amounts.

Proposals lower than any required minimum or excepting out certain operational expenses will automatically be disqualified and rejected.

Proposers should provide all of the following information in sub-sections below. Proposers will be evaluated on the quality of the information provided.

D. Description of Entity and Related Experience

1. A complete written description and history of the proposing entity or all staff who will oversee the funding and operation of the rink. Please include the Proposer's experience with this type of property or operation.
2. Resumes of all principals and managers of the facility. The City of Somerville is looking for principals and managers that have demonstrated proof of experience of at least three (3) years in the operation and management of this type of property.
3. A list of the names and addresses of all principals or Managers who have more than a one (1%) percent financial interest in the proposing entity.



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4. An “organizational chart,” preferably in a “tree” form detailing the chain of command of the management and operating personnel of the proposer and the proposed operation at the Premises.
5. Proposer must provide a list and explanation of job descriptions for all anticipated operating personnel; a list of proposed staff at this location; and include experience and history of staff with the Proposer. No names of actual staff are required at this time.

E. Allocation of Ice Time

1. Ice time at the Rink shall be allocated to the following user groups listed in priority order:
 - a. Somerville non-profit youth groups
 - b. Somerville High School hockey
 - c. Youth groups other than non-profit groups
 - d. Adult organizations or informal groups.
2. Ice time may be allocated at the discretion of the Permittee with the following restrictions:
 - a. Somerville non-profit youth groups must have 1st refusal of ice time.
 - b. Public skating hours must be a minimum of six (6) hours per week.

The Permittee shall honor any previously agreed upon ice time rental contracts for the first season, **provided it meets the priority schedule.**

F. Description of Operations:

3. Complete written description of the operation and services to be provided to rink visitors including but not limited to:
 - a. A detailed description, photos, schematics, etc., of the proposed rink uses including public (all skate and stick) ice time, concessions, any specific team or group uses, non-skating events or parties, any summer or off-season uses, and any other operations proposed to be offered at the Premises.
 - i. Proposers shall show how the priority order of group ice time schedules as listed below (i.e. how will the proposing entity address the use schedules of the priority groups to achieve and maintain the required order).
 - 1) Somerville Non-profit youth groups
 - 2) High school hockey
 - 3) Youth groups other than non-profit groups
 - 4) Adult organizations or informal groups.
 - b. Maintenance, general operations, staffing, training, and financial management plans including:
 - c. A community focused operational plan to include inclusionary initiatives that support the City Somerville core values such as but not limited to Shape Up Somerville, gender



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equity, and collaborations with Somerville Parks & Recreation, Somerville youth leagues, and the Somerville Public Schools.

4. Any proposed interior layout changes, signage, cleaning plans, maintenance, or changes to any internal areas inside the rink, including walls, windows, doors, etc.; and
5. Proposer's planned marketing, sponsorship, outreach, or discount programs, etc., if any.
6. Proposer's auditable sales and accounting plans for the Premises including:
 - a. Fee collection (including cash and credit card management) system, including detailed price lists, event/door split policies, etc., for the Premises; and
 - b. General description of any related services, food, merchandise, sales, events, programming or other revenue-generating operations now in place, if any, and those planned in the future for the Premises; and
 - c. A plan for the prevention of fraud, waste, theft, and abuse by staff, patrons or other third parties.
7. A description of equipment or contracts for any equipment to be operated on the Premises and any proposed operational system, including repair or service contracts for all rink systems and equipment.
8. Hourly/daily staffing contingency coverage plans, including emergency plans for handling customer safety, accidents, other incidents, damage claims, communications, etc.
9. Safety and security plans or procedures for the Premises to ensure patrons, staff, nearby park visitors, and the general public are safely evacuated and emergencies are handled properly including installation and maintenance of defibrillators or extinguishers, video recording equipment, alarm systems, all equipment inspection and maintenance, operator certification and training updates, written or posted emergency and daily operations procedures or protocols, etc.

G. Financial, Rate and Budget Information

1. Proposers shall prepare and submit a pro forma statement for operation of the Premises that includes:
 - a. Projected revenues estimated yearly for up to five (5) years, commencing July 1, 2021. The proposal should include revenue from all actual and proposed. Proposer should include a list of proposed rates to be charged including any discount or other programs.
 - b. A statement of projected expenses and costs should include the following categories:
2. Proposers shall prepare and submit a pro forma statement for operation of the Premises that includes:
 - a. Projected revenues estimated yearly for up to five (5) years, commencing July 2021. The proposal should include revenue from all actual and proposed. Proposer should include a list of proposed rates to be charged including any discount or other programs.
 - b. A statement of projected expenses and costs should include the following categories:
 - i. General and Administrative expenses including all forms of overhead, supplies, management and accounting expenses;



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- ii. Any other expenses including insurance, bond or Letter of Credit taxes, and any local, state or federal fees for permits (i.e., food service permits and training);
 - iii. Salary and Wages of all management and staff including a breakdown of hourly wages for all staff (full- and part- time), other wages, salaries, benefits, holiday, vacation and sick pay; wages or rates for on call personnel, weekend or non-skating/off-season management and staffing;
 - iv. All property related expenses including system upgrades and maintenance, transportation, Zamboni and ice edger maintenance, coolant, utility and security related expenses, and concession supplies. Currently the City of Somerville owns 2 Zamboni's. Ownership of Zamboni's will remain with the City of Somerville.
 - v. The pro forma and proposal shall include and explain proposer's estimate of profit and any other sources of revenue, including proposed fees, service charges, concession revenue, etc.
3. Financial statements for the proposing entity for the last two (2) fiscal years audited by a Certified Public Accountant, including profit and loss statements, balance sheets and cash flows; or for individuals copies of signed and filed federal and state tax returns for the last two (2) tax years; or for municipalities, please provide information that demonstrates the ability to fund and operate the rink, **(i.e., demonstrate financial operational capacity and stability (e.g., bonding/loan capacity, lines of credit, reserve funds, in-house labor, supplies, materials, etc.).**
 4. Written evidence (i.e., letters, on letterhead) of proposers' positive and timely payment history. Said letters must reference payment histories from the last five (5) years. Said letters must be from actual and current payees who can be contacted. If available, a Dun & Bradstreet report, or other credit history report or rating information.

V. Rule for Award and Evaluation Criteria

The City of Somerville will select the responsive and responsible Permittee submitting the most advantageous proposal, taking into consideration all quality requirements and comparative criteria as set forth in this RFP including compensation offered.

All proposals will be reviewed by an evaluation committee composed of employees of the City. Final selection will be based upon the evaluators' analysis of the information and materials required under the RFP and provided by the proposing vendors in their submissions. The City reserves the right to involve an outside consultant in the selection process. Proposals that meet the minimum quality requirements will be reviewed for responses to the comparative evaluation criteria. The evaluation committee will assign a rating of Highly Advantageous, Advantageous, Not Advantageous, or Unacceptable to the comparative evaluation criteria.

The Comparative Evaluation Criteria set forth in this section of the RFP shall be used to evaluate responsible and responsive proposals. The criteria to be used in evaluating the responses include the following:

- 1) Qualification Information;



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- 2) Mandates;
- 3) Compensation to the City of Somerville;
- 4) Description of Entity and Related Experience;
- 5) Allocation of Time
- 6) Description of Services to be Provided
- 7) Financial, Rate and Budget Information;

The City will only award a contract to a responsive and responsible Proposer. The City reserves the right to reject any and all proposals if it determines that the criteria set forth have not been met.

VI. Submission Information and Checklist

Proposal packages must be delivered to the following EXACT Address:

City of Somerville
ATTN: Andrea Caruth -Purchasing Department
93 Highland Ave, Somerville MA 02143
RFP # 21-42 – Proposal Response

NO LATER THAN:
2:00pm on March 11, 2021

Tips and Reminders:

1. Proposers must submit one (1) signed original unbound copy; and one (1) clean zip drive copy of their proposal, delivered to the above address. Please conserve paper but provide clear readable information. Be sure that all copies are the same as the original, and include all required items. Be sure to include a completed Proposal Submission Form. Any information that is personally identifiable (social security, bank account info), confidential or proprietary information should be clearly marked as such and separated if possible.
2. All envelopes or containers shall be clearly labeled with “**RFP # 21-42 Founders Ice Arena Operations**” and include a return name, address, and e-mail or phone number on the *outside* of the envelope. Please include a signed cover letter *inside* the envelope detailing contact information and a list of contents.
3. Proposals shall clearly state a proposed permit fee compensation offer in US Dollars for each year of operation. Make sure all words and numbers match.
4. No special preference will be given to proposals received early. No late entries will be considered. Proposers should check the City’s website frequently (every day until an Award Notice is posted) for the City of Somerville’s amendments, answers to questions, updates and any schedule changes.

Methods of Application Submission:

Applicants may submit bids in any of the following ways. All bids will be time-stamped and must be received no later than the bid deadline date and time.

- 1) Deposit your sealed application package in the black drop box located by the School Street entrance to City Hall, located near the corner of School Street and 93 Highland Avenue.
- 2) Sealed applications can be sent to City Hall through the US Postal Service or other delivery service (e.g. FedEx, UPS).
- 3) Submit sealed application via BidExpress.com, which is an online bidding platform. The fee to use this service is approximately \$35.00 unless your company has a subscription with BidExpress. You can access the bid package and forms via the City of Somerville BidExpress page at: <https://www.bidexpress.com/businesses/33100/home>

A user guide for BidExpress is attached for your reference.

For any technical assistance while submitting the online application, please contact the BidExpress Customer support team at www.bidexpress.com.



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RFP #21-42
SECTION 7.0
PRICING

By signing this Price Form, the Proposer certifies the following bulleted statements and offers to supply and deliver the materials and services specified below in full accordance with the Contract Documents supplied by the City of Somerville entitled: **Founders Ice Arena Operations, Management, and Maintenance**

- The proposals will be received at the office of the Purchasing Director, Somerville City Hall, 93 Highland Avenue, Somerville, MA 02143 no later than 03/11/2021 by 2PM ET
- If the **awarded** vendor is a Corporation a “Certificate of Good Standing” (produced by the Mass. Sec. of State) must be furnished with the resulting contract (see Section 3.0.)
- **Awarded Vendor** must comply with Living Wage requirements (see Section 3.0; only for services)
- **Awarded Vendor** must comply with insurance requirements as stated in Section 3.0.
- The Purchasing Director reserves the right to accept or reject any or all proposals and/or to waive any informalities if in her/his sole judgment it is deemed to be in the best interest of the City of Somerville.
- The following prices shall include delivery, the cost of fuel, the cost of labor, and all other charges.
- This form to be enclosed in sealed proposal package.

Please provide Unit Price for the following and include any additional fees not listed:

For Lease						
Facility Name & Address	Number of Square Feet	Total Rent for 1 st Year (\$)	Total Rent for 2 nd Year (\$)	Total Rent for 3 rd Year (\$)	Total Rent for 4 th Year (\$)	Total Rent for 5 th Year (\$)
		\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

If proposing another compensation plan structure please also provide projected total annual year amount.

Name of Company/Individual:	
Address, City, State, Zip:	
Tel #	Email:



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**Signature of Authorized
Individual**

Please acknowledge receipt of any and all Addenda (if applicable) by signing below and including this form in your proposal package. Failure to do so may subject the proposer to disqualification.

ACKNOWLEDGEMENT OF ADDENDA:

Addendum #1 ____ #2 ____ #3 ____ #4 ____ #5 ____ #6 ____ #7 ____ #8 ____ #9 ____
#10 ____

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PRE-BID SITE VISIT INSTRUCTIONS

Address: 570 Somerville Ave, Somerville, MA 02143, Founders Memorial Rink

Time: 02/11/2021 at 11:00 AM – 1:00 PM and 02/12/2021 at 10:00 AM – 12:00 PM

Procedures:

Attendees MUST RSVP with Andrea Caruth at acaruth@somervillema.gov or Purchasing Department at purchasing@somervillema.gov.

Attendees will meet at the parking lot of Founders Memorial Rink. There will be a limit to attendance of 10 people for the site visit. If there are more in attendance, only ten people will be able to enter the rink for the site visit at a time including the project manager and procurement manager who will be in attendance. You will have an opportunity to walk the grounds and submit questions to the procurement manager.

Sign-in: Each person should bring a business card which we will use to sign-in individuals.

COVID-19 Guidelines:

1. We will allow a max of one individual as a representative for each bidder.
2. A face covering must always be worn and cover the mouth and nose. A mask will be supplied if you fail to bring one.
3. Individuals should not attend if they are feeling sick or if family members are sick
4. Individuals shall maintain a safe social distance of six foot minimum, at ALL times from other individuals.
5. Individuals shall not share food, phones, pens or any other personal items.

Questions:

Any questions that bidders ask in-person at the site visit should be sent in written form to Andrea Caruth at acaruth@somervillema.gov. Questions regarding this bid will be due at February 17, 2021 at 5PM. Afterwards, an addendum will address submitted questions.

Parking:

There is a parking lot adjacent to the rink.

We care about your health and safety as well as those of our employees. Thank you in advance for respecting these procedures.