

**REQUEST FOR PROPOSAL  
VENDING SERVICES FOR MUSIC CITY CENTER  
201 5<sup>TH</sup> AVENUE SOUTH, NASHVILLE, TENNESSEE 37203**

**RFP # 204-2013**

**Issued By:  
The Convention Center Authority  
of the Metropolitan Government of Nashville and Davidson County**

Pursuant to § 4.12.040 M.C.L., this solicitation document serves as the written determination of the Purchasing Agent, that the use of competitive sealed bidding is neither practicable nor advantageous to the Metropolitan Government. Therefore, this solicitation will facilitate the entering into of contract(s) by the competitive sealed proposals process.

**Issuance Date: September 26, 2013**

**Vending Services for the Music City Center**



**Proposal Submission Date:  
October 25, 2013 (3:00 PM Nashville local time)**

**Procurement Staff Contact:  
Jasmine Quattlebaum  
Director of Purchasing  
Convention Center Authority**

**REQUEST FOR PROPOSAL  
VENDING SERVICES**

I)	INTRODUCTION AND OVERVIEW .....	4
A.	Convention Center Authority.....	4
B.	Purpose and Opportunity. ....	4
C.	Vendor Responsibilities.....	5
D.	Submission Deadline. ....	6
II)	SUBMISSION INSTRUCTIONS .....	6
A.	Timetable. ....	6
B.	Inquiries. ....	7
C.	Pre-Proposal Conference .....	7
D.	Submissions. ....	7
E.	Compliance with RFP.....	8
F.	Response Format and Requirements.....	8
III)	SELECTION PROCESS .....	10
A.	Selection Process. ....	10
B.	Evaluation of Proposals. ....	10
C.	Selection Criteria. ....	10
IV)	RULES AND GUIDELINES .....	11
A.	Conflict of Interest.....	11
B.	Requests for Clarification of Submission. ....	11
C.	Submissions and Presentation Costs.....	11
D.	Validity of Submissions.....	11
E.	Rejection of Submissions.....	11
F.	Minor Irregularities.....	11
G.	Americans with Disabilities Act. ....	11
H.	Non-Discrimination. ....	11
I.	Public Disclosure. ....	12
J.	Compliance with the Authority’s Procurement Policy and Affidavit.....	12
K.	Assistance to Small and Service-Disabled Veteran-Owned Business Enterprises.....	12
L.	Compliance with the Authority’s Procurement Nondiscrimination Program.....	12
M.	Sustainability Requirements. ....	13
N.	Logos. ....	13
O.	Insurance Requirements.....	13

P.	Right to Protest.....	13
Q.	MCC Responsibilities.....	13
V)	ASSISTANCE TO SMALL AND SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES .....	14
A.	Statement of Policy and its Implementation.....	14
B.	Definition of Small Business.....	14
C.	Definition of a Davidson County Service-Disabled Veteran-Owned Business and Status Confirmation.....	14
D.	Source Lists.....	15
E.	Solicitation Mailing Lists.....	15
F.	Documentation Requirements.....	15
G.	Bonding and Progress Payments.....	15
H.	Misrepresentation.....	15
VI)	PROCUREMENT NONDISCRIMINATION PROGRAM.....	16
A.	Covenant of Non-Discrimination.....	16
B.	Good Faith Effort Statement Form.....	16
C.	Statement of Interested, Notified and Successful Subcontractors.....	16
D.	Letter of Intent to Perform as a Subcontractor/Joint Venture.....	17

**NOTICE TO OFFERORS**

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This Request for Proposal (RFP) has been posted to the Metropolitan Government of Nashville & Davidson County website for your convenience. Addenda and attachments, if issued are also posted. It is the Offeror’s responsibility to ensure that the entire RFP package, in its latest version, is reviewed prior to submittal of a proposal.

Solicitation amendments are posted on the Metropolitan Government of Nashville & Davidson County (hereinafter “METRO”) Procurement web site at (<http://www.nashville.gov/Finance/Procurement.aspx>) and attached to the individual solicitation listing as either a Microsoft Office product or PDF file.

Any alterations to the document(s) made by the Offeror, other than completing worksheets/forms, may be grounds for rejection of proposal, cancellation of any subsequent award, or any other legal remedies available to the Convention Center Authority.

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## **D) INTRODUCTION AND OVERVIEW**

### **A. Convention Center Authority.**

Established in 2009, the Convention Center Authority of Metropolitan Government of Nashville & Davidson County (hereinafter “the Authority”) is a public, nonprofit corporation and a public instrumentality of the City and is authorized under Title 7, Chapter 89, Part 1, Tennessee Code Annotated, as amended, to plan, promote, finance, construct, acquire, renovate, equip and enlarge convention center facilities along with associated hotel accommodations in order to promote and further develop tourism, convention and employment opportunities in the State of Tennessee and thereby provide a means to attract conventions, public assemblies, conferences, trade exhibitions or other business, social, cultural, scientific and public interest events to the State, enhance the State’s image as a convention destination, and encourage and foster economic development and prosperity and employment within the State. The Authority consists of nine members appointed by the Mayor of Nashville and include a chair, vice-chair, and secretary, who are elected annually. Nashville’s vice-mayor sits on the Authority as an ex-officio member.

The Authority has constructed a new convention center, the Music City Center, located at 201 5<sup>th</sup> Avenue South, Nashville, Tennessee, 37203, which includes approximately 353,000 square feet of exhibition space, approximately 75,000 square feet of ballroom space (consisting of a 57,500 square foot grand ballroom and an 17,900 square foot junior ballroom), 60 meeting rooms with approximately 102,000 square feet in total, over 145,000 square feet of pre-function space, two outdoor terrace areas (one on 5<sup>th</sup> Avenue with 19,000 square feet of space and the other at the corner of 8<sup>th</sup> Avenue and Demonbreun with over 16,500 square feet of space), 31 loading docks, and approximately 2,200 square feet of retail space.

### **B. Purpose and Opportunity.**

The Authority is administering this RFP for qualified firms to submit proposals for Vending Services for the Music City Center. The selected firm will provide and maintain snack vending machines as identified in this RFP.

Any contract resulting from this RFP will be for a three (3) year term (November 1, 2013 – October 30, 2016) with an one time option to extend for an additional two (2) years at the sole discretion of the CCA.

It is the Authority’s objective is to select the best-qualified firm who, in its opinion, will continuously provide top quality service, product quality, and generally create goodwill within this high-quality facility. The final decision of the Authority will be made in its overall best interest.

There will be approximately 4 snack vending machines located throughout the Music City Center. The Authority may consider adding additional snack vending locations throughout the term of the contract. Refer to Exhibit F – Vending Locations for a complete list of existing vending locations.

### **C. Vendor Responsibilities.**

The vendor will be required to enter into an agreement that will be subject to the approval of the Authority or its designee in all respects. It is anticipated that the Agreement will include the following:

#### **Vending Options.**

Healthy choice items will make up thirty five percent (35%) of all vending items.

Healthy vending items shall comply with the following guidelines per package as indicated by these guidelines:

- No more than 200 calories
- No more than 35% of calories as fat
- No more than 10% of calories as saturated fat
- No more than 35% of calories as sugar
- No more than 250 milligrams of sodium per package
- No fried foods
- Nuts, seeds, whole/dried fruits, cheeses and yogurts are exempted from the fat and sugar criteria, but must be less than 200 calories per package.

Additional vending items shall include but not be limited to the following (beverages are excluded):

- Snacks (chips, crackers, pretzels, popcorn etc.)
- Candy
- Cookies, cupcakes and pastries
- Microwavable
- Fresh Foods
- Other food items as appropriate

#### **Scope of Services.**

- a. The Vendor, at its own expense, is responsible for performing all services required, including installing, maintaining, cleaning, repairing, and restocking vending machines and assuring that all items stocked continue to meet the nutritional guidelines established.
- b. Machines shall have minimal display lights in order to consume the least amount of power possible.
- c. Machines should also have the capability to dispense change when dollar bills are offered for purchases.
- d. Machines shall have the option to accept all major credit and debit cards.
- e. The Vendor shall provide Director of Security or designee with a telephone number for service, repairs and refunds. This customer service phone number shall be staffed from 8:00 a.m. to 5:00 p.m.,

Monday through Friday. Calls shall be returned within twenty-four (24) hours.

- f. Respond to requests for repair/service within twenty-four (24) hours.
- g. Establish and implement a system of providing timely refunds to individuals in the event of loss.
- h. Machines shall not be set to force vend. Machines will refund employees' money even if a selection is not made.
- i. At no time will vending machines have outdated snack/food items. Each product must be pre-packaged and labeled with a visible date of expiration.
- j. Routinely inspect the items for freshness and quality and remove all outdated items promptly.
- k. Maintain a complete and accurate set of records pertaining to sales and service throughout the term of the Contract. These records shall be provided to the Director of Finance upon request.
- l. Prices and other charges are based on current market and account conditions in existence on the effective date. In the event of a change in the market or account conditions, Contractor shall have the right to adjust prices or charges to reflect the change in conditions. Price list for all services shall be submitted to the President/CEO or designee for approval prior to adjustments.
- m. The Vendor shall provide commission payments. Reduced/Tiered Commissions will be considered for lower price points to accommodate employees.
- n. Commission payments and Sales and Commission Reports from the Vendor are due to the Department of Finance by the fifteenth (15th) of each month for the previous month's transactions.
- o. Periodically meet with the President/CEO or designee to respond to suggestions from team members or discuss the program in general.

**D. Submission Deadline.**

Qualification proposals must arrive not later than October 25, 2013 at 3:00 p.m. Nashville Local Time (CST). Proposals must be submitted in a sealed envelope. No submission will be accepted after deadline.

**II) SUBMISSION INSTRUCTIONS**

**A. Timetable.**

The following timetable should be used as a working guide for planning purposes. The Authority reserves the right to adjust this timetable in its sole discretion and without notice during the course of this RFP process.

Request for Proposals Released	September 26, 2013
RFP Questions and Inquiries	September 25, 2013 – October 11, 2013
Pre-proposal Meeting	October 3, 2013
Responses to Inquiries	October 16, 2013
<b>RFP Response Due</b>	<b>October 25, 2013</b>

**B. Inquiries.**

Direct all questions related to this RFP via email to [mccpurchasing@nashville.gov](mailto:mccpurchasing@nashville.gov) with *Vending Services* in the subject line. The deadline for receiving questions and inquiries is indicated in Section II (A). All questions and inquiries will be reviewed and, and responses will be posted at (<http://www.nashville.gov/Finance/Procurement.aspx>) by the date indicated in Section II (A).

**C. Pre-Proposal Conference**

A non-mandatory Pre-Proposal Conference will be held as indicated in Section II (A). It will occur at the Music City Center, located at 201 5<sup>th</sup> Avenue South, Nashville, TN.

Oral questions will receive oral responses, neither of which will be official or become part of the RFP. Contractors must clearly understand that the only written responses to written questions will be considered official and will appear in the form of an amendment. All prospective proposers are encouraged to attend. This will be the only pre-proposal conference scheduled for this solicitation.

**D. Submissions.**

All submittals must be received or post marked no later than indicated in Section II (A). Qualification proposals must be submitted in a sealed envelope. No submission will be accepted after deadline. Incomplete or ineligible submissions will not be reviewed. Every effort will be made to ensure the safe handling of submitted materials; however, the Authority will not be responsible for any loss or damage. Submission should be sent by UPS or FedEx to:

Jasmine Quattlebaum  
 Director of Purchasing/DBE  
 Music City Center  
 700 Koreans Veterans Blvd  
 Nashville, Tennessee 37203

Hand Delivery Submissions should be delivered to:

Jasmine Quattlebaum  
 Director of Purchasing/DBE  
 Music City Center Administrative Offices  
 600 Koreans Veterans Blvd  
 Nashville, Tennessee 37203

### **E. Compliance with RFP.**

Submissions must be in strict compliance with this RFP. Failure to comply with all provisions of the RFP may result in disqualification. The Authority reserves the right to reject any proposals and/or waive any formalities in the solicitation process. Furthermore, each proposer should carefully examine this RFP and all attachments and exhibits. Each proposer shall judge for itself all conditions and circumstances having relationship to the proposal. Each proposer will be responsible for taking such actions as they deem necessary or prudent prior to submitting a proposal. Failure on the part of any proposer to take such actions shall not constitute grounds for declaration of not understanding the conditions with respect to making its proposal. Each proposer is responsible for reading and understanding this RFP, including, but not limited to, these instructions for submitting a proposal. Proposer's failure or neglect to review any provided provisions of an agreement and the provisions of this RFP will not relieve such proposer of any contractual obligations contained in an agreement or required under the RFP. Proposer shall have no claim for relief based upon a lack of knowledge of the content or legal effect of any such provision.

### **F. Response Format and Requirements.**

Please submit one (1) original, four (4) copies, and one (1) electronic copy of the complete proposal response including any attachments, on a WINDOWS PC compatible CD or flash drive (verify all files are on disc/flash drive prior to submitting proposal) of the following materials to the address set forth in Section II (C) (all text must be printed on single-sided pages):

- 1) **Transmittal Letter.** A brief letter of interest highlighting particular qualifications and committing to enter into good faith negotiations and execute a mutually agreed upon agreement if selected.
- 2) **Experience, Background, and Qualifications.** Prepare and submit narrative responses to address the following items:
  - Provide a description of your firm's background and relevant experience in providing services requested by this RFP.
  - List and describe a minimum of four (4) active accounts of comparable size and sales volume. For each of the accounts, provide the total number of vending machines and annual gross sales volume.
  - Identify key personnel assigned to each of the accounts and their role.
  - Describe Vendor's specific experience providing vending services.
  - Describe Vendor's experience with healthy vending programs. Provide examples of experience with healthy vending requirements and provide a list of current contracts that contain healthy vending requirements, if available.
  - List other resources, including total number of employees, number and location of offices, number and types of equipment available to support this project.

3) **Proposed Plan.** Prepare and submit a detail vending plan. The plan should address and include the following:

- Implementation plan detailing the rate at which the vendor will install vending machines at each of the proposed vending locations.
- Provide a detailed description of the types, age, and features of vending machines to be installed, including drawings, specifications or photographs. Highlight any new technologies available on proposed vending machines. Indicate machines that will be equipped with energy management devices. Identify machines that will be able to accept all major credit and debit cards, provided that the location is one where an appropriate signal connection can be achieved.
- Describe your management plan for restocking machines to include schedule and procedures.
- Provide your plan for the maintenance, repair, and replacement of machines during the contract period. Vendors must provide a guaranteed response time to repair malfunctioning or broken machines.
- Description of plan to notify Director of Security or Designee as to any down-time or inoperative machines.
- Vendor should describe its policies on refunds and specific procedures for reimbursements of money lost in machines.

4) **Compensation and Cost Schedule.** Provide pricing for the items listed in the product categories along with any commission structure.

5) **Exhibits.** Proposers must complete and submit Exhibits A-G attached hereto and as required by Sections V-VI.

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### **III) SELECTION PROCESS**

#### **A. Selection Process.**

The Authority is using the Competitive Sealed Proposals method of source selection, as authorized by Section 3.3 of its Procurement Policy. The Authority may, as it deems necessary, conduct discussions with Responsive and Responsible Offeror(s) determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to solicitation requirements. Award(s), if made, will be made to the Responsive and Responsible Offeror(s) whose proposal and qualifications are most advantageous to the Authority. Responses to this RFP will be evaluated by an evaluation committee appointed by the City's Purchasing Agent, in consultation with the Authority, (the "Evaluation Committee"). The Evaluation Committee shall be comprised of subject matter experts for the specific procurement. The Evaluation Committee may be City or Authority employees, consultants, employees of other governmental agencies or citizens with no business conflicts with the potential contractors. The Evaluation Committee shall then score all proposals based upon the evaluation factors detailed herein. Evaluation will be based on consensus scoring of the Evaluation Committee based on committee deliberations of the proposals. Scores will not be an averaging of individual committee members' scores. Upon completion of the consensus scoring, the committee may recommend short-listing the proposals that are potentially acceptable and unacceptable. The detailed evaluation that follows the initial examination may result in more than one finalist. At this point, the Authority may request presentations by Offerors, carry out contract negotiations for the purpose of ultimately obtaining offers that are in the best interests of the City, and conduct detailed reference checks on the short listed Offerors. The Authority reserves the right to contact any and all references to obtain, without limitation, information regarding the Offeror's performance on previous projects. A uniform sample of references will be checked for each short-listed Offeror. Should a successful contract negotiation not be reached in a timely manner, the Authority reserves the right to select another proposer as the vendor.

#### **B. Evaluation of Proposals.**

The Music City Center staff will first examine proposals to eliminate those which are clearly non-responsive to the stated requirements. The Evaluation Committee will evaluate all responsive and responsible proposals and qualifications based upon the selection criteria set forth herein. Other agencies and consultants of the City also may examine the proposals and qualifications. The evaluation committee will make recommendation(s) to the Authority's staff to consider. The Authority reserves the right to withdraw this RFP at any time, for any reason, and to issue such clarifications, modifications, and/or amendments, as deemed appropriate. Receipt of a proposal by the Authority of a submission of a proposal offers no rights upon the offeror/proposer nor obligates the Authority in any manner. The Authority reserves the right to waive minor irregularities in proposals, provided that such action is in the best interest of the Authority.

#### **C. Selection Criteria.**

A Selection Committee appointed by Convention Center Authority or its designee will rate the submissions based on the following criteria:

- Experience, Background, Qualifications. (20 points)
- Proposed Plan. (30 points)
- Compensation and Cost Schedule (40 points)

- Small /Service Disabled Veteran Business Participation. (10 points)

#### **IV) RULES AND GUIDELINES**

##### **A. Conflict of Interest.**

Proposers and development teams with conflicts of interest as outlined in the City's and the Authority's conflict of interest policies or otherwise are ineligible.

##### **B. Requests for Clarification of Submission.**

The Authority may check references to assist in the evaluation of any submission.

##### **C. Submissions and Presentation Costs.**

The Authority will not be liable in any way for any costs incurred by any developer or development team in the preparation of its proposal in response to this RFP, nor for the presentation of its submission and/or participation in any discussions.

##### **D. Validity of Submissions.**

All proposals shall be valid for a period of one (1) year from the due date of the RFP.

##### **E. Rejection of Submissions.**

The Authority reserves the right to accept or reject in whole or in part any or all proposals submitted.

##### **F. Minor Irregularities.**

The Authority reserves the right to waive minor irregularities in offers, provided that such action is in the best interest of the Authority. Any such waiver shall not modify any remaining solicitation requirements or excuse the Offeror from full compliance with the solicitation specifications and other contract requirements if the Offeror is awarded a contract.

##### **G. Americans with Disabilities Act.**

The vendor shall assure to the Authority that all services (including but not limited to the design services, as well as any construction, repair, or other infrastructure improvements) made through the Agreement, if an award is made, shall be completed in full compliance with the Americans with Disabilities Act ("ADA") and Architectural and Transportation Barriers Compliance Board, Federal Register 36 CFR Parts 1190 and 1191, Accessibility Guidelines for Buildings and Facilities; Architectural Barriers Act (ABA) Accessibility Guidelines; proposed rule published in the Federal Register on July 23, 2004, as has been adopted by the City. Questions, concerns, complaints, requests for accommodation, or requests for additional information regarding the Americans with Disabilities Act may be forwarded to ADA Compliance Coordinator, Elisa Putman.

Individuals who need auxiliary aids for effective communication in the programs, services or activities of the Authority are invited to make their needs and preferences known to the ADA Compliance Coordinator. This notice can be made available in alternative formats through the office of the ADA Compliance Coordinator, Elisa Putman, Monday through Friday, 8:00 a.m. until 4:30 p.m.

##### **H. Non-Discrimination.**

It is the policy of the Authority not to discriminate on the basis of age, race, sex, color, national origin or disability in its hiring and employment practices, or in admission to,

access to, or operation of its programs, services and activities. With regard to all aspects of this RFP the proposer certifies and warrants it will comply with this policy. Notwithstanding any other provision of this RFP, no person shall be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the Authority's contracted programs or activities, on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or Tennessee State Constitutional or statutory law; nor shall they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the Authority or in the employment practices of the Authority's contractors. Accordingly, all contractors entering into contracts with the Authority shall, upon request, be required to show proof of such nondiscrimination and to post in conspicuous places that are available to all employees and applicants, notices of nondiscrimination. Further, the Authority prohibits discrimination. It is the policy of the Authority that they shall not discriminate in their employment practices by failing or refusing to hire or promote, or to discharge any individuals, because of the individual's race, religion, creed, gender identity, national origin, color, age, and/or disability.

Inquiries concerning non-discrimination policies should be forwarded to: Jasmine Quattlebaum, Director of Purchasing/DBE, Convention Center Authority, 201 Fifth Avenue South, Nashville TN 37203, (615) 401-1445.

**I. Public Disclosure.**

All submissions are considered public and subject to review upon request only after a successful Intent to Award Letter has been signed. Prior to a successful Intent to Award Letter, all submissions will be kept private in order to preserve a competitive and fair selection process.

**J. Compliance with the Authority's Procurement Policy and Affidavit.**

Proposers shall assure to the Authority that it is and will be at all times in compliance with the Authority's Procurement Policy. Further, and as a part of the contract negotiation, the successful developer and/or development team shall submit a signed affidavit regarding compliance with laws, taxes and licensure, contingent fees and nondiscrimination. See Exhibit A.

**K. Assistance to Small and Service-Disabled Veteran-Owned Business Enterprises.**

It is the policy of the Authority to assist Small and Service-Disabled Veteran-Owned Business Enterprises in learning how to do business with the Authority. Furthermore, proposers are encouraged to maximize the usage of Small and Service-Disabled Veteran-owned businesses with respect to this project. See Section V.

**L. Compliance with the Authority's Procurement Nondiscrimination Program.**

It is the policy of the Authority to promote full and equal business opportunities for all persons doing business with the Authority by increasing the purchase of goods and services from minority and women-owned businesses within the Nashville Metropolitan Statistical Area ("MSA"). Proposers shall assure to the Authority that it is and will be at all times in compliance with the Authority's Procurement Nondiscrimination Policy. See Section VI.

**M. Sustainability Requirements.**

Vendor must comply and participate in all MCC sustainability programs.

**N. Logos.**

Only the MCC approved logos will be utilized throughout the facility including, but not limited to uniforms, advertisements, business cards, brochures, proposals, etc. Other than legal requirements the name of the contractor will not be utilized.

**O. Insurance Requirements.**

Any potential vendor receiving an award shall be required to provide proof of insurance, in the form of a Certificate of Insurance. The awarded supplier must provide the Authority with original Certificates of Insurance within fifteen days of notification of award.

General Liability and automobile liability policies must be endorsed to include Convention Center Authority of the Metropolitan Government of Nashville & Davidson County as an additional insured with respect to liability arising out of work or operations performed by on behalf of supplier. The following insurance(s) shall be required:

- General Liability Insurance in the amount of (\$1,000,000.00) dollars (if the supplier will be making on-site delivery).
- Automobile Liability Insurance in the amount one million (\$1,000,000.00) dollars (if supplier will be making on-site deliveries)
- Workers' Compensation Insurance with statutory limits required by the State of Tennessee or other applicable laws and Employer's Liability Insurance with limits of no less than one hundred thousand (\$100,000.00) dollars, as required by the laws of Tennessee. (Workers' Compensation Insurance is, at the time of this RFP, not required for companies with fewer than five (5) employees.)

**P. Right to Protest.**

Proposer is entitled to protest to the Director of Purchasing, as authorized by Section 7.1 of the Convention Center Authority Procurement Policy. The protest shall be submitted in writing within ten (10) days after such aggrieved person knows or should have known of the facts giving rise thereto.

**Q. MCC Responsibilities.**

The MCC will make reasonable efforts to make payments within thirty (30) days of receipt of invoice but in any event shall make payment within sixty (60) days. Additionally, the MCC will make reasonable efforts to make payments to small businesses within fifteen (15) days of receipt of invoice but in any event shall make payments with sixty (60) days.

## **V) ASSISTANCE TO SMALL AND SERVICE-DISABLED VETERAN-OWNED BUSINESS ENTERPRISES**

### **A. Statement of Policy and its Implementation.**

In addition to the Authority assisting Small, Minority-Owned, and Woman-Owned Business Enterprises as set forth in Section VI, it shall also be the policy of the Authority to assist small and Service-Disabled Veteran-Owned Business Enterprises in learning how to do business with the Authority. Furthermore, proposers are encouraged to maximize the usage of small and Service-Disabled Veteran-owned businesses with respect to this project.

In the evaluation of proposals, the Authority rewards proposers for committing to use small and Service-Disabled Veteran owned businesses as team members and/or subcontractors by considering the minimum percentage of total contract dollars of committed small business subcontractor participation. A total of five (10) points will be assigned to the proposer with the largest percentage of small and Service-Disabled Veteran-owned business participation (having met the minimum requirement level) and points will be prorated to the rest based on their respective participation levels. The minimum requirement level is no more than one (1) point granted for each one percent (1%) of total contract value for small business utilized (maximum of 10 points). However, if the largest proposer of small and Service-Disabled Veteran-owned businesses proposes participation at twenty percent (20%) of the total contract value, it would receive five (10) points and the one proposing participation at ten percent (10%) of the total contract value would receive only ten (10) points.

### **B. Definition of Small Business.**

A “small business” means a United States business which is independently owned and operated and which is not dominant in its field of operation or an affiliate or subsidiary of a business dominant in its field.

### **C. Definition of a Davidson County Service-Disabled Veteran-Owned Business and Status Confirmation.**

A Davidson County Service-Disabled Veteran owned business is any business owned by any person who served honorably in active duty in the Armed Forces of the United States with at least a twenty percent (20%) disability that is service-connected meaning that such disability was incurred or aggravated in the line of duty in the active military, naval or air service. Davidson County Service-Disabled Veteran-owned means a service-disabled owned business that is a continuing, independent, for profit business located in Davidson County that performs a commercially useful function, and at least fifty-one percent (51%) owned and controlled by one (1) or more service-disabled veterans; in the case of a business solely owned by (1) service-disabled veteran and such person’s spouse, is at least fifty percent (50%) owned and controlled by the service-disabled veteran; or in the case of any publicly-owned business, at least fifty-one percent (51%) of the stocks of which is owned and controlled by one (1) or more service-disabled veterans and whose management and daily business operations are under the control of one (1) or more service-disabled veterans. The Authority will confirm the status of Service-Disabled Veterans through the receipt of a SDVB certificate from the Governor’s Office of Diversity Business Enterprise, which demonstrates that such business is a bona fide Service-Disabled Veteran-owned business. [www.tennessee.gov/businessopp](http://www.tennessee.gov/businessopp).

#### **D. Source Lists.**

The Authority compiles, maintains and makes available source lists of Small, Minority-Owned, Woman-Owned and Service-Disabled Veteran-Owned Business Enterprises for the purpose of encouraging procurement from small businesses. Proposers who desire assistance in locating such businesses and suppliers are encouraged to contact the Authority at [mccpurchasing@nashville.gov](mailto:mccpurchasing@nashville.gov).

#### **E. Solicitation Mailing Lists.**

To the extent deemed appropriate by the Authority, it shall include Small, Minority-Owned, Woman-Owned and Service-Disabled Veteran-Owned Business Enterprises on solicitation mailing lists.

#### **F. Documentation Requirements.**

Proposer must complete the List of Proposed Small Businesses (See Exhibit B) and submit the Exhibit with the proposal to make a commitment to use team members and subcontractors that claim small business status. Changes to the list of proposed small businesses must be submitted in writing and approved in advance by the Authority. Proposers must confirm that any small businesses to be included in its proposal meet the small business standards set forth by the Authority. Proposers shall likewise notify its proposed small businesses that the Authority requires that the subcontractor be [i] registered to do business with the City and [ii] approved as a small business through the submission to the Authority of documentation to confirm small business status including a copy of their two most recently submitted business tax returns as well as IRS form 941-Employer's Quarterly federal tax return. This information will be reviewed by the Authority and used to confirm the small business status. Small business status must be approved by the Authority prior to proposal submission. While the Authority commits to having documents reviewed and status granted as quickly as possible after the receipt of the necessary documentation, to be safe, documents should be submitted no later than four days before the bid/proposal is due to allow time for status to be granted.

#### **G. Bonding and Progress Payments.**

The Authority may reduce the level or change the types of bonding normally required, or accept alternative forms of security to the extent reasonably necessary to encourage procurement from Small, Minority-Owned, Woman-Owned and Service-Disabled Veteran-Owned Business Enterprises. The Authority may make such special provisions for progress payments as deemed reasonably necessary to encourage procurement from Small, Minority-Owned, Woman-Owned and Service-Disabled Veteran-Owned Business Enterprises.

#### **H. Misrepresentation.**

If during the course of the Agreement, the vendor fails to maintain the level of small business participation committed to in its proposal, or if any material representation made in its proposal concerning the small business status of any team member, subcontractor or contractor's involvement in the ownership, operation or management of any subcontractor claiming status as a small business is shown to be false, the Authority may, at its sole option and in addition to any other remedies available under the contract, at law or in equity, terminate the Agreement. Further, in the event that the Authority terminates the Agreement, the vendor shall pay the Authority's full re-procurement costs, including, without limitation, any costs associated with re-procurement delays. The Authority will

institute debarment proceedings against any proposer that misrepresents in a proposal any material fact concerning the small business status of itself or any subcontractor or proposer's involvement in the ownership, operation or management of any subcontractor claiming status as a small business. In addition, the Authority may, at its sole discretion, assess a charge representing the cost of all audit and legal time and expense incurred by the Authority as a result of the contractor's failure to maintain the level of small business participation committed to in the contractor's proposal.

## **VI) PROCUREMENT NONDISCRIMINATION PROGRAM**

It is the policy of the Authority to promote full and equal business opportunities for all persons doing business with the Authority by increasing the purchase of goods and services from Minority and Women Business Enterprises ("MWBE") within the Nashville MSA. In furtherance of this policy, the Authority has adopted the Metropolitan Government of Nashville and Davidson County Procurement Nondiscrimination Program, as set forth by the Metropolitan Code, Chapter 4.46, Procurement Nondiscrimination Program, as it may be deemed applicable by the Convention Center Authority and otherwise amended from time to time. For further information or clarification contact the Authority at [mccpurchasing@nashville.gov](mailto:mccpurchasing@nashville.gov). No proposal or submission shall be considered responsive unless it demonstrates compliance with the Procurement Nondiscrimination Program, which includes the submission of each of the following documents:

### **A. Covenant of Non-Discrimination.**

Each proposer must submit a duly-executed and notarized affidavit, which includes a covenant of non-discrimination. See Exhibit A.

### **B. Good Faith Effort Statement Form.**

Each proposer must provide a statement initialed by an authorized company official indicating that the prime contractor has made all of the good faith efforts required by the Procurement Nondiscrimination Program, including delivering written notice to at least three (3) available certified MWBEs if use of MWBEs is reasonable and if the Authority's DBE Manager can provide at least three (3) MWBEs for the applicable category. The first three items on this form must be initialed. Prime contractors should initial any of the additional good faith efforts listed subsequently on the form as they are applicable. Please note that timely outreach should be conducted providing firms adequate and reasonable time to respond. This form must be signed and dated by an authorized company official. See Exhibit C.

### **C. Statement of Interested, Notified and Successful Subcontractors.**

Each proposer shall submit a Statement of Interested, Notified and Successful Subcontractors that shall include each individual or entity requesting information about the project or solicited for participation on the project. The list of team members and subcontractors shall include those persons who did not actually submit a response, price quotation or a bid, rather just requested information. The statement shall include the individual's or entity's name, business location, and information requested. See Exhibit D.

**D. Letter of Intent to Perform as a Subcontractor/Joint Venture.**

In the event that a proposer proposes to use subcontractors or joint ventures if awarded the Agreement, such proposer shall be required to submit to the Director of Purchasing/DBE a letter of intent signed by both the subcontractor/joint venturer and bidder. This form is to be completed and submitted by the apparent successful vendor by the end of the second business day following issuance by the Authority of a fully executed contract. See Exhibit E.

[The remainder of this page is intentionally left blank.]

**Exhibit A  
Affidavit**

**State of** \_\_\_\_\_ **County of** \_\_\_\_\_

As used herein, "Offeror" will include artists, bidders and proposers.

**Compliance with Laws:** After first being duly sworn according to law, the undersigned (Affiant) states that he/she is presently in compliance with, and will continue to maintain compliance with, all applicable laws. Thus, Affiant states that Offeror has all applicable licenses, including business licenses, copies of which are attached hereto. Finally, Affiant states that Offeror is current on its payment of all applicable gross receipt taxes and personal property taxes.

**Contingent Fees:** In accordance with the Authority's Procurement Policy and the Metropolitan Government's Procurement Code, it is a breach of ethical standards for a person to be retained, or to retain a person, to solicit or secure a contract with the Authority upon an agreement or understanding for a contingent commission, percentage, or brokerage fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. After first being duly sworn according to law, the undersigned (Affiant) states that the Offeror has not retained anyone in violation of the foregoing.

**Nondiscrimination:** Affiant affirms that by its employment policy, standards and practices it does not subscribe to any personnel policy which permits or allows for the promotion, demotion, employment, dismissal or laying off of any individual due to race, religion, creed, gender, national origin, color, age, and/or disability and that it is not in violation of and will not violate any applicable laws concerning the employment of individuals with handicaps and/or disabilities. It is the policy of the Metropolitan Government not to discriminate on the basis of age, race, sex, color, religion, national origin or handicap and/or disability in its hiring and employment practices, or in admission to, access to, or operation of its programs, services and activities. Contractor certifies and warrants it will comply with this policy.

**And Further Affiant Sayeth Not:**

By: \_\_\_\_\_

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

Address: \_\_\_\_\_

\_\_\_\_\_

Sworn to and subscribed before me on this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



**Exhibit B  
List of Proposed Small Businesses**

Proposer Name: \_\_\_\_\_

Notice: Small businesses listed must be registered with Metropolitan Government of Nashville and Davidson County (Metro) and small business status must be approved by Metro *prior* to proposal submission. Registration can be completed online at: <https://smartrac.nashville.gov/newvendorlogin.aspx>

	Small Business Name	Small Business Address, Phone Number and email address	Industry of Work to be Performed by this Small Business ( <i>see Instructions below this table</i> )	Phase in project when Small Business is <i>anticipated</i> to perform work	Minimum <i>Percentage</i> of total contract dollars to be spent with this Small Business
1.					
2.					
3.					
4.					
5.					
6.					

**INSTRUCTIONS:**

**TOTAL** \_\_\_\_\_

- If the proposer is a small business, the proposer should also be included in this list.
- If more than six (6) Small Businesses are to be listed, please attach an additional sheet.
- For the “Industry of Work to be Performed by this Small Business” column, you must enter an Industry listed here: Agriculture, Architectural/Design/Engineering; Educational; Information Systems/Technology; Marketing/Communications/Public Relations; Medical/Healthcare; Forestry, Fishing; Mining; Construction; Manufacturing; Wholesale Trade; Retail Trade; Finance, Insurance, Real Estate; Transportation, Commerce, and Utilities; Service Industry

Submission of a proposal shall constitute Proposer’s representation that neither Proposer nor an officer, agent or employee of Proposer, or the spouse, parent or child of an officer, agent or employee of Proposer, is involved in the ownership, operation or management of any subcontractor claiming status as a small business for purposes of this Proposal and Contract.

\_\_\_\_\_  
Name and Title of Person submitting this form



**Exhibit C**  
**GOOD FAITH EFFORT STATEMENT FORM**

Bid/Proposal for: Music City Center Convention Center \_\_\_\_\_  
(Name of Project)

**Pursuant to the requirements for Participants under the Procurement Non-Discrimination Program, and in consideration of the privilege to submit Proposals on contracts funded, in whole or in part, by the Convention Center Authority, I/We, attest that I/We have made the following efforts to ensure that potential MWBE subcontractors were notified of the opportunity to participate as a subcontractor or joint venturer on this project.**

\_\_\_ I/We have made efforts to include MWBE's, certified by certifying entities recognized by the Convention Center Authority, in the procurement process and to ensure that businesses are not discriminated against on the basis of race, ethnicity or gender.

\_\_\_ I/We have delivered appropriate notice to three or more available MWBEs certified by certifying entities recognized by the Convention Center Authority for each potential subcontracting or supply category in the Contract and all potential subcontractors or vendors which requested information on the Contract.

\_\_\_ I/We have provided all potential subcontractors or vendors with adequate and timely information as to the plans and specifications of this project as well as information necessary to provide a bid or quote as well as and the last date and time for receipt of price quotations.

**Additionally, \_\_\_\_\_ has made the following Good Faith Efforts to include MWBEs as subcontractors or joint venturers on this project.**

\_\_\_ I/We have attended a special meeting called to inform businesses and individuals of subcontracting or supply opportunities.

\_\_\_ I/We have, in accordance with normal industry practices, divided the contract into economically feasible segments that can be performed by a MWBE.

\_\_\_ I/We have provided a written explanation for rejection of any potential subcontractor or vendor to Convention Center Authority, including the name of the firm proposed to be awarded the subcontract or supply agreement, where price competitiveness is not the reason for rejection.

\_\_\_ I/We have actively solicited, through sending letters or initiating personal contact, MWBEs in all feasible and appropriate categories providing subcontracting opportunities for the contract under consideration.

\_\_\_\_ I/We have utilized the services of available community organizations and associations, contractors' groups, and trade associations known to publicize contracting and procurement opportunities, for the purpose of obtaining assistance in the contacting and recruitment of MWBEs for the Convention Center Authority Project contract under consideration.

\_\_\_\_ I/We have advertised in publications of general circulation in the Nashville Metropolitan Statistical Area ("MSA"), trade publications and other media owned by, or otherwise focused or marketed to MWBEs, and the advertisement identifies and describes the specific subcontracting or other opportunity in reasonable detail.

\_\_\_\_ I/We have conducted discussions with interested MWBEs in good faith, and provided the same willingness to assist MWBEs as has been extended to any other similarly situated subcontractor.

\_\_\_\_ I/We have taken steps to ensure that all labor supervisors, superintendents, and other onsite supervisory personnel are aware of and carry out the obligation to maintain a nondiscriminatory work environment, free of harassment, intimidation and coercion at all construction sites, offices and other facilities to which employees are assigned to work.

\_\_\_\_\_  
Printed Name of Company

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title of Company Official

\_\_\_\_\_  
Full Company Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
Area Code/Phone Number

\_\_\_\_\_  
City, State, Zip

Please contact the Jasmine Quattlebaum Director of Purchasing/DBE (615) 401-1445 with any questions about information which may be required.



**EXHIBIT D  
STATEMENTS OF INTERESTED, NOTIFIED AND SUCCESSFUL SUBCONTRACTORS**

Please complete this form to provide Convention Center Authority with information regarding your outreach efforts. Please include information appropriately regarding those certified MWBEs that you contacted, who contacted you and those with whom you have decided to work on this project. Please add additional copies of this sheet as necessary so that you may list ALL MWBEs with whom you've had contact. Please contact Director of Purchasing/DBE 615-401-1445. Part I of this form must be completed and Part II should be completed if you have identified MWBE firms with whom you will work on this project.

**Project Name** \_\_\_\_\_

**RFP Number** \_\_\_\_\_

As part of our regular and customary good faith efforts to include MWBE subcontractors, suppliers and joint venturers, \_\_\_ (Company Name) \_\_\_ has contacted or was contacted by the following certified MWBEs related to our bid/proposal.

<i>PART I Business Name &amp; Contact</i>	<i>Phone No</i>	<i>MBE/WBE Certificate Type</i>	<i>Date of Contact</i>	<i>Method of Contact</i>	<i>Who Initiated Contact?</i>	<i>If Bid Submitted, Amount of Bid*</i>	<i>Offer Accepted or Declined</i>	<i>Reason(s) for Declining</i>

\*STATEMENT OF BID/PRICE QUOTATION

Having submitted a Proposal/bid for the above referenced project, if awarded the resulting contract or Purchase Order, \_\_\_ (Company Name) \_\_\_ advises that contingent upon award of the contract to our company, our subcontractor, suppliers, or joint venture partnership participation is projected to be as follows:

<i>PART II Business Name &amp; Contact</i>	<i>Phone No</i>	<i>MBE/WBE Certificate Type</i>	<i>Dollar value</i>	<i>Estimated % of total contract value</i>	<i>UNSPS Code # for work to be performed (if applicable)</i>	<i>Work to be performed</i>

Name \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_



**Exhibit E  
Letter Of Intent to Perform As A Subcontractor/Joint Venture**

This form is to be completed and submitted by the apparent successful participant by the end of the second business day following fully executed contract.

Proposal for: \_\_\_\_\_  
(Name of Project)

Offeror Name: \_\_\_\_\_

The undersigned has agreed to perform work in connection with the above project as:

a subcontractor       a joint venture

Detailed description of work items to be performed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At the following price(s): \_\_\_\_\_

The total value of MWBE participation under this Subcontractor/Joint Venture Agreement is \$: \_\_\_\_\_; which is estimated to be: \_\_\_\_ % of the total Proposal.

\_\_\_\_\_  
Signature of Subcontractor/Joint Venturer

Printed Name: \_\_\_\_\_

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

Date: \_\_\_\_\_

The undersigned will enter into a written agreement with the above subcontractor for the work described upon award and execution of a contract with The Convention Center Authority of the Metropolitan Government of Nashville and Davidson County.

\_\_\_\_\_  
Signature of Offeror

Printed Name \_\_\_\_\_

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

Date: \_\_\_\_\_



**Exhibit F**  
**Vending Locations**



**EXHIBIT G**

**Compensation and Cost Data Worksheet for RFP# 204-2013  
Music City Center Vending Services**

Vendor must enter pricing for each of the categories and commission percentage to be paid to the CCA:

	Year 1	Year 2	Year 3	Year 4	Year 5
A.) Single Serve Snack (1oz)	\$ -	\$ -	\$ -	\$ -	\$ -
B.) Large Serve Snack (1.5-2 oz)	\$ -	\$ -	\$ -	\$ -	\$ -
C.) Standard Size Candy	\$ -	\$ -	\$ -	\$ -	\$ -
D.) Large Size Candy	\$ -	\$ -	\$ -	\$ -	\$ -
E.) Crackers	\$ -	\$ -	\$ -	\$ -	\$ -
F.) Pastries	\$ -	\$ -	\$ -	\$ -	\$ -
G.) Healthy Single Serve Snack (1oz)	\$ -	\$ -	\$ -	\$ -	\$ -
H.) Healthy Large Serve Snack (1.5-2 oz)	\$ -	\$ -	\$ -	\$ -	\$ -
I.) Microwaveable	\$ -	\$ -	\$ -	\$ -	\$ -
J.) Cold Sandwiches	\$ -	\$ -	\$ -	\$ -	\$ -
K.) Commission Payments	0%	0%	0%	0%	0%

# MCC

## VENDING MACHINES

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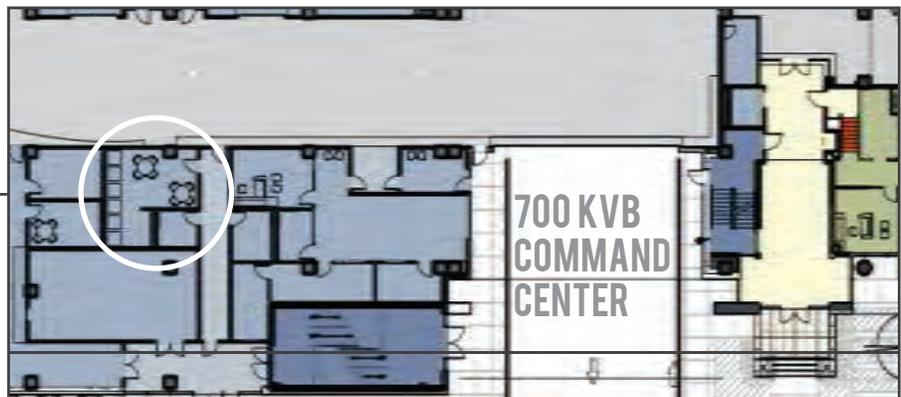
EVENT SERVICES BREAKROOM



FACILITIES BREAKROOM



SECURITY BREAKROOM



ADMINISTRATION BREAKROOM

