

CITY OF DANIA BEACH, FLORIDA

OFFICE OF THE CITY MANAGER

REQUEST FOR LETTERS OF INTEREST

LEASE OF THE CITY FISHING PIER RESTAURANT

CITY'S BID NO.: 11-016

SCOPE OF PROPOSAL

The City of Dania Beach, Florida (the "City") is requesting Letters of Interest ("LOI") (proposals) from qualified persons or entities to enter into a Lease (the "Lease") for operation of a fishing pier restaurant on City-owned property located at 300 North Beach Road and on the beach in Dania Beach, Broward County, Florida (the "Project").

The subject site (see "Exhibit One") is located within an area of the City known as Dania Beach Park, a 26.5± acre beachfront park owned by the City. It is located north of East Dania Beach Boulevard and directly east of State Road A-1-A. The Park contains over one thousand three hundred (1,300) feet of ocean frontage. The "North Beach" area of the City of Hollywood lies directly to the south, while the state park known as John U. Lloyd Park lies immediately to the north and to the west of the City beachfront park area. A nine hundred twenty (920) foot fishing pier, constructed in 1995, extends into the Atlantic Ocean and is in operation twenty-four (24) hours a day, seven (7) days a week.

As part of the 1995 Pier Construction Project, the City constructed an elevated concrete pile-supported building slab, consisting of approximately six thousand two hundred fifty (6,250) square feet, elevated above the beach and dunes, with the expectation of accommodating a restaurant ("Exhibit Two"). The restaurant was built in 2007, as detailed below. The building slab is immediately adjacent to and physically connected to the pier entrance, upon which slab the restaurant is located. A bait shop with a restroom facility to accommodate pier patrons' use was also simultaneously constructed. The operation of the pier restaurant desired by the City must be independent of the pier and bait shop operation, but must allow for easy ingress to and egress from the fishing pier. The City seeks an experienced restaurateur who or which will provide service consistent with the beach uses. The City wishes to ensure that the restaurant design, décor, food and beverage services harmonize with the existing beach and pier recreation uses. The City is amenable to a combination of indoor and outdoor dining services. The restaurant is expected to serve beach-goers, fishermen, local residents, tourists and visitors to the area. Affordable menu choices are sought, which would appeal to varied groups of dining patrons.

The City actively promotes several recreational events in the immediate area throughout the year. A City parking lot with parking in excess of six hundred (600) spaces lies immediately

west of and is adjacent to the pier and restaurant. The City is amenable to a restaurant which would include the sale of alcoholic beverages within the restaurant, for on-premises consumption. The property is zoned to allow such sales. A City “extended hours” license allowing operations (sales of alcoholic beverages) until 4:00 a.m. is permitted subject to compliance with City code requirements.

The restaurant is located on the westernmost elevated extension of the fishing pier. The restaurant is a one-story concrete block and stucco structure consisting of 6,244 square feet. Currently, the kitchen area consists of 1,000 square feet. A building plan sketch is attached as “Exhibit Three”. A floor plan of the previous restaurant (from the “life safety plans” reviewed by the City Building and Fire Inspection Divisions) is attached and marked as “Exhibit Four”. Total occupancy load per the *Florida Building Code* is 330 persons. The prior restaurant provided an indoor dining area with an approved occupancy load of 196 persons and two outdoor patio seating areas with a total approved occupancy load of 134 persons. The roof covering is a raised-rib metal roofing system that was installed when the building was built. There are continuous impact windows around all four walls. All utilities, electricity, water, and a propane gas line connection are available. The heat, ventilation and air conditioning system consists of a 25 ton system that was installed when the building was built.

The building complies with Americans with Disabilities Act (ADA) standards. Access is provided by stairs and it is also serviced by an elevator, which opens directly onto the west patio near the restaurant front door and it can also be accessed by way of the pier, which is designed to ramp down to grade level. The pier ramp also meets ADA standards and can serve as an auxiliary access route.

The pier restaurant is unique in that it is one of a very small number of restaurants in Florida that are actually located on and above a portion of the Atlantic Ocean. It offers beautiful unobstructed views of the ocean on three sides. The Dania Beach beachfront park, a small, unspoiled strand, stretches north and south of the restaurant. The western view from the restaurant includes the City’s marina, the Intracoastal Waterway and Whiskey Creek, a protected water body and natural area that runs northward through John U. Lloyd State Park. As noted above, the outdoor patio seating area is split. The easternmost seating area is actually located immediately above the surf line and offers the sound of the surf and the fragrance of the sea air as well as phenomenal views of the Atlantic Ocean. The restaurant can be accessed by

automobile or boat. The City of Dania Beach Marina (vessel height restricted to 18 feet at low mean tide due to a fixed bridge) can offer temporary docking which may be provided at no cost for beach and restaurant use. The City owns a marina in the immediate area, and is proposing to completely renovate and modernize the 92 slip marina, which will allow it to accommodate seasonal live-aboards. The proposed plan will be completed within the next two (2) years.

INSTRUCTIONS TO PROPOSERS

1. **GENERAL:** The following instructions are given for guiding proposers in properly preparing their proposals.

For information concerning procedures for responding to this Letter of Interest (“LOI”), contact Colin Donnelly, Assistant City Manager, at 954-924-6800 ext. 3613. For information of a technical nature, contact Bob Daniels, Director of Community Development, at 954-924-6800 ext. 3640. Such contacts are for clarification purposes only. Material changes, if any, to the specifications or selection procedures will only be transmitted by written addendum. No oral communications shall be relied upon as changing, clarifying or interpreting any provision of this LOI.

Inspections of the restaurant can be arranged by contacting Kristen Jones, Director of Parks and Recreation at 954-924-6800 ext. 3730. Please provide at least three (3) business days of advance notice for an inspection.

2. **SCOPE OF WORK:** The goal of this LOI is to select a person, persons or entity who or which will operate the City fishing pier restaurant as a tenant pursuant to a lease with the City.
3. **ACCEPTANCE OR REJECTION OF PROPOSALS:** The City, in its sole discretion, reserves the right to accept or reject any proposal, in whole or in part, in the best interest of the City. Proposals are subject to review and evaluation by the City.
4. **SELECTION:** The City will consider offers from interested parties to be responsive and responsible if accurate information is submitted as requested and the respondents are deemed to be otherwise qualified.

Proposers must submit a letter detailing their qualifications, experience, financial ability and an outline of financial terms (proposed rent payable to the City). Proposers who are currently restaurant owners, operators, or both are preferred.

Proposers must submit at least five (5) references from other persons, entities, or both. Current contact names, e-mail addresses and telephone numbers must be supplied.

Proposers must submit the Public Entities Crime Form signed by principals of respondents and dated prior to submission of a proposal (a copy of the form is attached).

Proposers must also submit the Non-Collusion Affidavit form signed by principals of respondents and dated prior to the submission of a proposal (a copy of the form is also attached).

5. **MINIMUM QUALIFICATION REQUIREMENTS:** Proposers shall be individuals, firms, corporations, or other legal entities permitted by law to do business in the State of

Florida and shall possess the necessary restaurant experience, demonstrate financial ability and meet the qualifications outlined below.

6. SUBMITTAL REQUIREMENTS: Each Proposer desiring consideration shall submit one (1) original and six (6) copies of its LOI, outlining qualifications, financial ability and relevant experience. Multiple LOI's from one person or entity are not acceptable.

The LOI shall, as a minimum, include the following information:

6.1 Business Structure: Provide a description of the general capabilities of the proposer, including information relating to total size of company, if any, and staffing, resources and equipment.

6.2 Provide the résumés of all key personnel who shall be assigned to the business operations.

6.3 Relevant Experience: describe restaurant experience in detail.

6.4 A personal financial statement and a business financial statement, including a balance sheet.

6.5 Lawsuits. Provide a listing of all lawsuits or proceedings involving the proposer and any other person or entity within the past five (5) years, including case name and number, court, nature of the action and disposition or status.

6.6 Experience and qualifications of project manager and key personnel.

6.7 Description, estimated cost and time for completion of tenant improvements.

6.8 Copies of all licenses, certificates of competency or other documentation required by federal, state or local laws, statutes or regulations required to conduct restaurant operations and a projected date when restaurant operations will begin.

6.9 A description of the proposed motif, décor and equipment.

6.10 A description of menu choices.

All proposals must be signed by a representative who is authorized to contractually bind the proposer.

7. EVALUATION CRITERIA AND PROCEDURES: All submissions will be evaluated based on the information provided in the Letters of Interest. Evaluation criteria will include, but not be limited to, City review of background and experience of the Respondent's references, financial ability, proposed financial (rental) terms, and any outstanding or pending lawsuits involving a Respondent. The City may select for

interview a short list of five (5) or more applicants deemed to be the most highly qualified from those Respondents submitting Letters of Interest.

7.1 The City reserves the right to accept or reject any or all proposals, or parts of proposals, to waive any informalities, technicalities or irregularities, to re-advertise for proposals, to request re-proposals or clarifications, or take any similar actions that may be deemed to be in the best interest of the City. The City intends to negotiate a lease with the most highly qualified Respondent.

7.2 POSTPONEMENT OF DATE FOR SUBMITTING PROPOSALS: The City reserves the right to extend the date for the receipt of proposals and will give ample notice of any such postponement to each prospective Respondent.

7.3 PROPOSAL SUBMISSION DEADLINE AND OPENING: Sealed proposals must include one (1) original and six (6) copies of the documents. Proposals must be received by the office of the City Clerk at City Hall (100 West Dania Beach Boulevard, Dania Beach, Florida 33004) no later than 10:00 A.M. on Friday, December 2, 2011. Proposals will be publicly opened at 10:30 A.M. on that day in the Atrium Conference Room at City Hall. Proposal packets must be sealed, addressed, and clearly marked: City of Dania Beach, City Clerk's Office, **"Lease of the City Fishing Pier Restaurant"**.

7.4. ADDENDUM, ADDENDA, CHANGES OR INTERPRETATIONS DURING LETTERS OF INTEREST PROCESS: Any inquiry or request for interpretation received ten (10) or more days prior to the date fixed for the opening of the responses will be given consideration. All such requests for interpretations will be made in writing in the form of an addendum or addenda and will be posted on the City's website www.daniabeachfl.gov for prospective Respondents no later than five (5) calendar days prior to the established response opening date. The Respondent shall not rely on oral representations, discussions, clarifications or modifications. Each prospective Respondent shall acknowledge receipt of such addendum or addenda in the space provided in the Addendum form. In case any Respondent fails to acknowledge receipt of such addendum or addenda, the response will nevertheless be considered as though it had been received and acknowledged and the submission of the Letter of Interest will constitute acknowledgment of the receipt of same. It is the responsibility of each Respondent to verify receipt of any addendum and all addenda issued before responses are opened.

PROPOSAL DOCUMENTS

1. Sworn Statement Regarding Public Entity Crimes
2. Non-Collusion Affidavit
3. References
4. Documentation as described in “Submittal Requirements”, Item No. 6 of this LOI.

EXHIBITS TO LETTERS OF INTEREST

1. Exhibit One - Site Location Map
2. Exhibit Two - Sketch of Concrete Pile-Supported Building Slab
3. Exhibit Three- Building Plan Sketch
4. Exhibit Four - Life Safety Plans (Excerpt)

CITY OF DANIA BEACH, FLORIDA
Sworn Statement Under §287.133(3)(a), Florida Statutes
Public Entity Crimes

(This form must be signed in the presence of a Notary Public or other officer authorized to administer oaths.)

1. This sworn statement is submitted with Letter of Interest for the Lease of the City Fishing Pier Restaurant.

2. This sworn statement is submitted by: _____
(name of entity submitting sworn statement)

its business address is: _____

Federal Identification Number
(FEIN) is: _____
(if applicable)

Social Security Number: _____
(if the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement)

3. My name is: _____
(print name of individual signing this document)

and my relationship to the entity is: _____
(President, General Partner, etc. as applicable)

4. I understand that a "public entity crime" as defined in §287.133(1)(g), Florida Statutes means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or with the United States, including, but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentation.

5. I understand that to be "convicted" or "conviction" as defined in §287.133(1)(b), Florida Statutes, means a finding of guilt and conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or nolo contendere (also known as a plea of "No Contest").

6. I understand that an "affiliate" as defined in §287.133(1)(a), Florida Statutes means:
- (a) A predecessor or successor of a person or a corporation convicted of a public entity crime; or
 - (b) An entity under the control of any natural person who is active in the management of the entity and which has been convicted of a public entity crime. The term "affiliate" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima-facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.
7. I understand that a "person" as defined in §287.133(1)(e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, partners, shareholders, employees, members, and agents who are active in management of an entity.
8. Based on information and belief, the statement that I have marked below is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies)
- a. _____ Neither the entity submitting the sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members or agents who are active in management of the entity nor any affiliate of the entity have been charged with and convicted of a public entity crime subsequent to July 1, 1989.
 - b. _____ The entity submitting this sworn statement, or one or more of the officers, directors, executives, partners, shareholders, employees, members or agents who are active in management of the entity or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989 and (Please now indicate which additional statement below applies):
 - 1. _____ There has been a proceeding concerning the conviction before a hearing officer of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order)
 - 2. _____ The person or affiliate was placed on the convicted list. There has been a subsequent proceeding before a hearing officer of the State of Florida, Division

of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order)

3. _____The person or affiliate has not been placed on the convicted vendor list. (Please describe any action taken by or pending with the Florida Department of General Services)

Signature (of person whose Printed Name first appears above)

Date

STATE OF FLORIDA)
COUNTY OF BROWARD)

Sworn to and subscribed before me on _____, 2011, by _____ who
(check one) [] is personally known to me or [] has produced _____
as identification.

Notary Public

PRINT Name of Notary Public

My commission expires:

NON-COLLUSION AFFIDAVIT

The undersigned Bidder/Proposer has not divulged, discussed or compared his/her/its Bid/Proposal with any other Bidder/Proposer and has not colluded with any other Bidder/Proposer or parties to this Bid/Proposal whatsoever.

Name of Bidder/Proposer

Signature

PRINT Name

Title

_____, 2011
Date

STATE OF FLORIDA)
COUNTY OF _____)

Sworn to and subscribed before me on _____, 2011, by _____ who (check one) [] is personally known to me or [] has produced _____ as identification.

Notary Public

PRINT Name of Notary Public

My commission expires:

REFERENCES

The following is a list of at least five (5) references from entities for which Proposer has provided similar services in the past three years:

Name of Firm, City, County, or Agency: _____

Address: _____

Contact Name, e-mail address and telephone number: _____

Name of Firm, City, County, or Agency: _____

Address: _____

Contact Name, e-mail address and telephone number: _____

Name of Firm, City, County, or Agency: _____

Address: _____

Contact Name, e-mail address and telephone number: _____

Name of Firm, City, County, or Agency: _____

Address: _____

Contact Name, e-mail address and telephone number: _____

Name of Firm, City, County, or Agency: _____

Address: _____

Contact Name, e-mail address and telephone number: _____

**ADDITIONAL REFERENCES MAY BE ATTACHED AND
SUBMITTAL OF THEM IS ENCOURAGED.**

EXHIBIT ONE

SITE LOCATION MAP

Document located on the City's Website

<http://www.daniabeachfl.gov/pierrestaurant>

EXHIBIT TWO

SKETCH OF CONCRETE PILE-SUPPORTED BUILDING SLAB

Document located on the City's Website

<http://www.daniabeachfl.gov/pierrestaurant>

EXHIBIT THREE

BUILDING PLAN SKETCH

Document located on the City's Website

<http://www.daniabeachfl.gov/pierrestaurant>

EXHIBIT FOUR

LIFE SAFETY PLAN (EXCERPT)

Document located on the City's Website

<http://www.daniabeachfl.gov/pierrestaurant>