

REQUEST FOR PROPOSAL
FOR A
MINORITY BUSINESS ENTERPRISE /
WOMEN-OWNED BUSINESS ENTERPRISE COORDINATOR
FOR THE
NEW EVENTS CENTER
LOCATED IN
ORLANDO, FLORIDA
17-September-2007

1.0 GENERAL INFORMATION:

- .1 **AGREEMENT:** The City of Orlando (the "City") approved the New Orlando Events Center Agreement on Monday, 21-May 2007, with Orlando Magic, Ltd. (the "Team") in which an affiliate of the Team, Events Center Development, LLC ("Developer"), will act as Project Developer for the design and construction of a new Orlando Events Center in downtown Orlando. Developer intends to select a Coordinator for the inclusion of Minority and/or Women-Owned Business Enterprises ("MBE/WBE"). This firm or individual ("Entity") will contract with Developer to perform the Services contemplated by this Request for Proposal ("RFP"). It is anticipated that the MBE/WBE Coordinator will possess prior experience within the City of Orlando, Orange County, and/or the State of Florida. The City will be listed as a third party beneficiary to the Agreement with Developer.
- .2 **EVENTS CENTER SITE:** The Project will be developed on the property generally located to the south of Church Street, north of South Street, west of South Hughey Avenue and east of South Division Street, provided that the results of the engineering and environmental studies of the site verify that the Project can reasonably be constructed on the site (the "Site").

2.0 DEFINITIONS AND INTERPRETATION

- .1 **RFP DEFINITIONS:** Unless otherwise defined herein, the following words and phrases will have the following meanings:
 - .1 "City" means the City of Orlando, Florida, a municipal corporation created and existing under the laws of the State of Florida.
 - .2 "City Construction Representative" means the representative appointed by the City to oversee its interests with respect to the Project.
 - .3 "MBE/WBE Coordinator" means a firm or individual who will work with the developer to help maximize the inclusion of Minority or Woman Owned Business Enterprises and ensure that all County and City laws and regulations are followed regarding their selection.
 - .4 "Developer" means Events Center Development, LLC.
 - .5 "Events Center" means a community sports and entertainment arena able to host events of local, regional, and national importance; concerts; family shows; professional and

amateur sports events, such as NCAA competitions, NBA and/or NHL, and AFL games; and other civic, political, community and not-for-profit events.

- .6 **“Project”** means the design, development, construction, and operation of a new Orlando Events Center in Orlando, Florida.
- .7 **“Team”** means the Orlando Magic, Ltd., the owner of the NBA team known as the Orlando Magic.

.2 SUBMISSION INSTRUCTION DEFINITIONS:

- .1 **Shall, Will, Must:** Indicates a mandatory requirement. Failure to meet these mandatory requirements may result in the rejection of the response to the RFP as non-responsive.
- .2 **Should:** Indicates something that is recommended, but not mandatory. If the response fails to provide recommended information, developer may, at its sole option, ask the responder to provide the information or evaluate the response without the information.
- .3 **May:** Indicates something that is not mandatory, but permissible.

3.0 REQUEST FOR PROPOSAL (“RFP”) SPECIFICS:

- .1 **MBE/WBE Coordinator RFP:** A complete copy of the RFP and all amendments thereto, may be obtained from the "Point of Contact" noted in Paragraph 3.2. The RFP and its amendments (pdf files) may also be posted on the Orlando Events Center website at www.OrlandoEventsCenter.com.
- .2 **POINT OF CONTACT:** Contact, address, voice/fax numbers, and email address are:

Bryan Burless
Turner Construction Company
Events Center Project Engineer
8701 Maitland Summit Blvd.
Orlando, FL 32810
Phone: (407) 916-2615, Fax: (407) 916-2792
BBurless@TCCo.com

- .3 **INQUIRIES AND COMMUNICATION:** All inquiries, questions, or other correspondence by the responding entities must be submitted, in writing, via fax, mail, or email, to the Point of Contact a minimum of 3 business days prior to the RFP response date noted in Paragraph 5.1. Phone calls other than to the Point of Contact are prohibited during this RFP response period.
- .4 **AMENDMENTS:** This RFP shall be modified only by a written amendment issued by Developer. It is the responsibility of the proposers to verify in their cover letters that they have received and incorporated into their responses, all changes due to amendments issued to this RFP.

4.0 INTRODUCTION:

- .1 **PROGRAM STATEMENT:** The Events Center will include (i) capacity of approximately 18,500 seats (including all premium seats); (ii) premium seating initially consisting of suites, loges and club and other premium seats; (iii) amenities and facilities that may include, among other things, retail spaces (both internal and with street access), restaurants, concessions facilities, internal and external message, video and score boards, Team and City administrative offices, broadcast facilities, meeting and club spaces for the Team, locker rooms, signage, maintenance and storage areas, and walkways around the Project; (iv) media-related facilities; (v) a practice basketball court and related facilities; (vi) ice-making plants and facilities; (vii) the

Team and NBA visiting team locker rooms, feature talent dressing rooms, officials rooms, and at least two (2) additional auxiliary locker rooms; (viii) an events center reduction curtain system; (ix) other traditional back of house elements; and (x) on-site development, including landscaping, streetscaping and all utility connections for the Events Center. The Project will contain such fixed elements as are reasonably necessary to host arena football, indoor soccer, indoor lacrosse, national events, and touring shows, that are booked at other Events Centers. The FF&E budget shall include such items as are reasonably necessary to host other events, including, but not limited to: staging, portable seating, spotlights, audio systems, ice making equipment, dashboards and glass, appropriate flooring systems and crowd control equipment.

- .2 **COMPARABLE FACILITIES:** Developer and City intend to construct, within a pre-established cost/budget limitation, an events center that is comparable in size, scope and quality, taken as a whole, to the first-class Events Centers recently constructed in Charlotte, Indianapolis, Memphis and San Antonio ("Comparable Facilities").
- .3 **MBE/WBE:** Local entities and entities that are certified MBE/WBE with the City of Orlando and/or Orange County, FL, are strongly encouraged to respond to this RFP. Responding entities agree to comply with the minority business enterprise and women business enterprise requirements of Chapter 57 of the City of Orlando Code, make good faith efforts to meet the participation goals, and cooperate with City and Developer in their local business economic development efforts. It is the responsibility of all entities, including respondents to this RFP, who are interested in contracting with Developer to read and become familiar with Chapter 57 of the City of Orlando Code (located at: www.cityoforlando.net/admin/mbe/chapter57.html). Developer will use the participation goals of 18% MBE and 6% WBE. Only entities certified/recognized by the City of Orlando or Orange County, Florida will count towards the achievement of the participation goals pursuant to a certification process acceptable to the City.
- .4 **EQUAL OPPORTUNITY EMPLOYER:** Developer is an equal opportunity employer. The entity awarded agreements as a result of this RFP agree to adhere to a policy of equal employment opportunity and demonstrate an affirmative effort to recruit, hire, promote, and upgrade the position of employees regardless of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, or marital status.
- .5 **LIVING WAGE:** The entity awarded an agreement as a result of this RFP, as well as its sub-consultants (first tier only), shall pay to all of their employees providing services pursuant to an agreement with Developer, a living wage for the time spent providing services to Developer. (This provision does not include general administrative personnel unless they are assigned to the Project.) "Living wage" means compensation for employment of not less than \$8.50 per hour for straight time, exclusive of FICA, unemployment taxes, and workers compensation insurance and employee benefits. Necessary payroll documentation shall be provided to confirm compliance with this provision or the entities awarded agreements shall allow Developer to audit (at the entity's place of business) its payroll records to determine if compliance has been achieved. Failure to comply with the provision may result in termination of the agreement.

5.0 PROPOSED PROJECT TIME TABLE:

- .1 **REQUEST FOR PROPOSALS RESPONSES:** Response to this RFP must be submitted not later than **3:00 p.m. EST, on Wednesday, 03-October 2007** ("RFP Response Date"). Failure to comply with any of the requirements of this RFP may result in the response not being considered.
- .2 **RFP PRE-RESPONSE CONFERENCE:** There will not be a RFP Pre-Response Conference for this scope of services. Questions or concerns should be submitted, in writing, to the point of contact listed in paragraph 3.2. Questions submitted less than three (3) business days prior to the RFP Response Date may not be able to be answered prior to the submission of responses.

.3 MBE/WBE SERVICES SELECTION:

- .1 Issue MBE/WBE Coordinator RFP Mon 17-Sep-07
- .2 MBE/WBE Coordinator RFP Questions Due From Respondents Fri 28-Sep-07
- .3 MBE/WBE Coordinator RFP Responses Due **3:00 p.m. EST Wed 03-Oct-07**
- .4 MBE/WBE Coordinator Interviews (If Required) Mon 08-Oct-07
- .5 MBE/WBE Coordinator Selected Fri 12-Oct-07

.4 DESIGN MILESTONES: (Dates are Approximate and Subject to Change)

- .1 Verification of Program/Conceptual Design 31-Aug-07
- .2 Schematic Designs Complete 30-Nov-07
- .3 Design Development Complete 31-Mar-08
- .4 Construction Documents Completed 30-Sep-08

.5 CONSTRUCTION MILESTONES: (Dates Subject to Change)

- .1 Construction Start 01-Aug-08
- .2 Construction Substantially Complete 31-Aug-10
- .3 Construction Duration 25 months

.6 PROJECT MILESTONES: (Date Subject to Change)

- .1 First Event To Be Determined – in the month of Sep-2010

6.0 SCOPE OF SERVICES:

- .1 **MBE/WBE COORDINATOR BASIC SERVICES:** The MBE/WBE Coordinator scope of services is attached as Attachment A.

7.0 INSTRUCTIONS FOR SUBMISSION OF RESPONSE:

- .1 It is the responsibility of the MBE/WBE Coordinator responders to examine the entire RFP, seek clarification of any requirement that may not be clear, and check responses for accuracy before submitting a response.
- .2 Responses to the RFP should be bound as a single submittal and organized into sections to facilitate review in a sequence consistent with the criteria listed in Paragraph 8.0. Brevity is encouraged. Submittals should include one (1) original and five (5) copies, addressed to the point of contact listed in paragraph 3.2, in a sealed envelope (and/or package) containing the proposing company’s name and address on the outside of the package. The words “Sealed Response to the Orlando Events Center MBE/WBE Coordinator Request for Proposals” shall be written on the package next to the proposing company’s name and address.

8.0 EACH SUBMITTAL SHOULD INCLUDE:

- .1 **COVER LETTER:** A cover letter that lists the lead contact person with contact information. The cover letter shall be submitted with an original ink signature by the person authorized to commit the entity to the information contained within the response to the RFP. Please acknowledge the receipt and dates of all Addenda issued following the release of this RFP.
- .2 **GENERAL INFORMATION:** Please provide the following information:
 - .1 **Entity:** Include a description of the entity’s ownership structure and list the principal shareholder(s). If the proposer is a joint venture, each firm must identify the share of participation (capital contributions, ownership in terms of shared profit/loss, MBE/WBE

ownership, the authority of each joint venturer to commit or obligate the other, etc.) each entity will assume. The Entity may be an individual.

- .2 **Prior Experience:** Entities pursuing the MBE/WBE Coordinator should provide the proposing entity's prior experience within the City of Orlando, Orange County, and/or the State of Florida.
 - .3 **Insurance:** Provide a copy of a Certificate of Insurance with current limits of liability for commercial general liability, business automobile liability and professional liability insurance. If not disclosed in the Certificate of Insurance, include a statement as to all deductible amounts or self-insured retention amounts.
 - .4 **Business Licenses:** Provide a statement warranting that all federal, state, and local registrations, licenses, and permits required for the operation of business conducted by the firm/entity, as would be required to undertake the scope of services contemplated by this RFP, are current.
 - .5 **Proposer References:** Provide a list of at least three (3) references with contact names, phone numbers, and email addresses. The reference list should include contacts from the three (3) most recent, significant and completed (or under construction) assignments. References may be checked at the discretion of Developer at any time.
 - .6 **MBE/WBE:** Indicate whether the entity is a City of Orlando certified MBE or WBE firm.
- .3 **SCOPE SPECIFIC REQUIREMENTS:** Submittal requirements that are specific to the MBE/WBE Coordinator role are contained in the attached scope of services (Attachment A). Please review this scope in its entirety and submit all requested information accordingly.
 - .4 **FEE PROPOSAL:** Provide a fee proposal for the services being provided. The fee proposal should indicate the total fee proposed and include supporting unit rates for the services being provided. An estimate of the reimbursables is to be included in the fee proposal.

9.0 INTERVIEWS: (Optional at the sole decision of Developer)

- .1 Interviews may be scheduled during the dates set forth in Section 5.3. Developer will call to confirm an exact time slot. Interviews will be held at the RDV Sportsplex, 8701 Maitland Summit Blvd., Orlando, FL 32810.

10.0 MISCELLANEOUS CONDITIONS:

- .1 **CONTACT WITH DECISION MAKERS:** Upon receipt of the RFP, proposing entities or members of such entities, are prohibited from any unofficial contact with Developer, any employees of the Magic Program Manager, Turner Construction Company ("Turner"), Magic Legal Counsel, Thompson Hine LLP, or any of their employees other than the Point of Contact identified in Section 3.2. Any entity who fails to comply with this requirement may be deemed ineligible for selection for this Project and may have its response eliminated from consideration. Any and all questions shall be directed to the Point of Contact.
- .2 **COST OF PREPARING RESPONSES AND ATTENDING INTERVIEWS:** Respondents to this RFP, and those subsequently preparing for and participating in interviews, do so at their sole expense and risk. Developer will not reimburse the cost of developing, presenting, providing, or otherwise responding to the RFP, interview, or subsequent negotiations.
- .3 **DEVELOPER'S RESERVED RIGHTS:**
 - .1 Subsequent to the issuance of the RFP, Developer reserves the right to: i) issue amendments/modifications to the RFP; ii) request clarifications to any response by any

firm/individual/organization; iii) waive any informality or irregularity; iv) negotiate modifications to responses; and/or v) reject any and all proposals, or portions thereof, received. No proposer is guaranteed the award of the MBE/WBE Coordinator Agreement.

- .2 By responding to the RFP, the proposer acknowledges Developer's right to undergo this selection process with no commitment that an Agreement will be offered to any responder. Developer further reserves the right to negotiate the proposed compensation and terms of the Agreement, and to make recommendations to Developer and its management of a recommended form of Agreement.
- .4 DEVELOPER'S RIGHT TO NEGOTIATE ANY AND ALL TERMS:** Nothing contained within the response to the RFP or stated/asked in the interview is a concurrence by Developer that such item will be considered or is inclusive within the eventual Agreement entered into with the selected entity, unless such item is specifically addressed/included in the respective Agreements. The responses to the RFP serve as an indicator of items that Developer may elect to include at some point, at its sole discretion, into the final Agreements.
- .5 PROPERTY RIGHTS:** All responses and materials submitted in response to this RFP shall become the property of Developer.

11.0 ATTACHMENTS:

- A:** MBE/WBE Coordinator Scope of Services dated 17-Sep-2007.

END OF REQUEST FOR PROPOSALS

**ATTACHMENT A
MBE/WBE COORDINATOR SCOPE OF SERVICES**

MBE/WBE Coordinator Scope of Services: The scope of services shall include, but are not limited to:

A. Scope Specific Requirements:

Events Center Development, LLC, is accepting proposals (herein also referred as RFP) for the selection of an entity to provide management, staffing and project development of a Minority and Women Owned Business Assistance Program for the new Orlando Events Center. The purpose of this program is to identify, grow and support MBE/WBEs who will participate on the Events Center Project. The City, Events Center Development, LLC and Turner Construction will have oversight of the Minority and Women-Owned Business Enterprise Program on the Events Center project, which includes monitoring all goals for MBE/WBE participation, verifying MBE/WBE certification status, and providing technical assistance. This entity will also help coordinate the efforts of the selected Construction Manager at Risk to provide opportunities for MBE/WBEs during construction, and assist the design team with the inclusion of MBE/WBE design consultants. Please provide information on the following categories/responsibilities:

1. MANAGEMENT

a. General Management

1. Describe how the proposed firm will develop and implement all program activities outlined in this Scope of Services. Please explain the strategic planning process that will be used to ensure alignment with the mission, goals and objectives outlined in the RFP and this scope of services.
2. Provide a program action plan with suggested timeline.
3. Provide a sample of the firm's monitoring and evaluation tools.
4. Describe the process that will be used to evaluate delivery of services to clients to ensure optimum effectiveness.

b. Personnel Management

1. List all personnel who will be engaged to undertake the scope of work outlined in this Scope of Services and their qualifications.
2. Document who will supervise and evaluate all personnel required to undertake the scope of work outlined in this Scope of Services to include contracted employees, consultants, volunteers and student interns.
3. Provide job descriptions for all positions.
4. Provide information on who will undertake the following tasks:
 - a. Telephone Answering
 - b. MBE/WBE Tracking
 - c. MBE/WBE Intake and Assessment
 - d. Pre-Bid Counseling and Training
 - e. Emerging and Experienced Business Technical Assistance
 - f. Referrals to Other Resources for Counseling or Training
 - g. Follow-up with Other Resources
 - h. Program Evaluation
 - i. Report Preparation (Outcomes and Data Management)

2. CERTIFICATION VERIFICATION:

- a. Describe strategies for monitoring the certification status of firms prior to award of contracts to ensure that competing firms are properly certified by the City of Orlando or Orange County, Florida pursuant to a certification process acceptable to the City.

- b. Describe certification support services for firms which are not certified, but would like to receive City of Orlando Certifications as a Minority Business Enterprise or a Women Business Enterprise.
 - c. Describe how MBE/WBE licenses/certification will be verified.
 3. **MARKETING, OUTREACH AND NETWORK DEVELOPMENT**
 - a. Marketing the MBE/WBE Assistance Program
 1. Describe targeted populations and strategies to conduct outreach to MBE/WBEs.
 2. Describe strategies to publicize the MBE/WBE assistance program to majority businesses to maximize the inclusion of MBE/WBE subcontractors with the Construction Manager at Risk and with other firms who contract directly with the developer.
 3. Describe strategies to engage MBE/WBEs
 - b. Network Development
 1. Document strategies to link sub-contractors to prime contractors or those with limited capacity to experienced/larger businesses to bid on contracts.
 2. Describe strategies to create a mentor network for emerging businesses to learn from larger more established businesses for technical assistance.
 3. List strategies to create and sustain partnerships with public, private and community-based organizations that support the mission of the City's Blue Print initiative.
 4. **CAPACITY BUILDING & TECHNICAL ASSISTANCE**
 - a. Developing Conceptual Framework & Approach
 1. Describe conceptual framework for identifying and providing capacity building services to MBE/WBEs to include approach to working with business of varying experiences, sizes and capacity.
 2. Describe how emerging MBE/WBEs will be identified, assessed and engaged in the project.
 3. Describe methodology for determining increased capacity.
 4. Describe the process for obtaining feedback from MBE/WBEs.
 - b. Providing Technical Assistance
 1. Describe how both emerging and established businesses (greater capacity than emerging businesses) will be identified, assessed for capacity building activities and engaged to participate on the project (provide a sample of the assessment tool(s)).
 2. Describe approach to supporting, encouraging and monitoring MBE/WBE performance and program engagement.
 5. **LINKING MBE/WBEs TO CONTRACTUAL OPPORTUNITIES**
 - a. Awareness of Bid Opportunities
 1. Describe how, as MBE/WBE Coordinator, the firm will keep abreast of current and future bid opportunities on the Project.
 2. Describe how the firm will identify contractors in need of work.
 3. Describe how bid opportunities will be publicized beyond traditional methods.
 - b. Assisting with the Bidding Process
 1. Describe the process of supporting prospective bidders and bidders from initial bid announcement through selection.

2. Describe the support that will be provided to MBE/WBEs who need to be bonded
6. REPORTING REQUIREMENTS
 - a. Describe how proposed firm would meet the reporting requirements.
 - b. Provide sample of reporting form(s).
- B. Scope of Work:** The MBE/WBE Coordinator shall furnish all labor, materials, equipment, etc. to perform the tasks described in Section A. These will specifically include, but not be limited to:
1. Support, encourage and monitor the level of participation by MBE/WBE firms and report the level of participation monthly to the Project Team and City.
 2. Verify that all provisions of City Code Chapter 57 are followed.
 3. Support the City's "Blueprint for Using Community Venues to Create a Sustainable Economic Impact".
 4. Monitor the MBE/WBE firms' certification status with both the City and Orange County. Provide assistance to firms that still need to become certified with the City (such as assisting firms that are currently certified MBE/WBEs with Orange County but not with the City).
 5. Verify MBE/WBE firms' licenses.
 6. Provide marketing for the Orlando Events Center MBE/WBE assistance program. Publicize the program and reach out to potential target populations. Proactively engage firms and encourage their participation.
 7. Work directly with the selected Construction Manager to assist linking MBE/WBE firms or those with limited capacity to larger businesses during the bidding process.
 8. Establish a mentoring network for emerging businesses.
 9. Obtain feedback from MBE/WBE firms and integrate the feedback into future actions to improve the process.
 10. Assist the project team in publicizing potential bid opportunities beyond traditional methods.
 11. Actively participate in the subcontractor/supplier selection process with the developer and the selected Construction Manager.
 12. Provide support to prospective MBE/WBE bidders from initial bid announcement, selection and contract performance.
 13. Manage the participation of contractors and sub-contractors in the Apprenticeship Program and encourage them to draw labor from the Apprenticeship Program.
 14. Coordinate community forums for the further inclusion of MBE/WBEs.
 15. Establish an Intern Program within the various project team members to provide further opportunities for the employment and advancement of minorities and women in design and construction.
 16. Review MBE/WBE firm's cash flow requirements and determine if special provisions will need to be made for the payment of each MBE/WBE firm.

17. Investigate the Developer's "Owner Controlled Insurance Program" (OCIP) and bonding requirements to determine their impact on MBE/WBE firms. Provide recommendations on how to avoid disadvantaging MBE/WBE firms.
18. Work with the MBE/WBE firms and the Construction Manager at Risk to help speed the resolution of issues that arise throughout the project.
19. Specifically support the City's "Blueprint" Goal #2 by analyzing the current and future needs of the Construction Manager at Risk, subcontractors and any other organizations providing labor for the construction of the Events Center Project. Coordinate the training efforts of the Workforce Development Agency to help meet the needs of these firms.

END OF ATTACHMENT A