



PORT OF PALM BEACH DISTRICT

REQUEST FOR PROPOSALS

For

LAND LEASE AND OPERATING AGREEMENT FOR ANNEX PARCEL

RFP Issue Date: Thursday, May 11, 2023  
Deadline for Proposals: Wednesday, May 31, 2023 at 2:00 PM

<b>Proposal Title</b>	Port of Palm Beach Annex Parcel <b>RFP 02-2023A</b>
<b>Proposal Type</b>	Lease or other form of Property Rental Agreement and Operating Agreement
<b>Length of Term</b>	10 Years with (2) 5-year options (Port exercised)
<b>RFP Issuance</b>	Thursday, May 11, 2023
<b>Newspaper Publication</b>	Friday, May 12, 2023
<b>Pre-Proposal Meeting</b>	<b>Tuesday, May 23, 2023 2:00 PM</b>
<b>Site Tour</b>	<b>May 23, 2023</b> following pre-proposal meeting (2:00 PM) <b>Reservations are requested for the Site Tour no later than 2:00 PM on May 22, 2023.</b> Please contact Tacaria A. Jones at <a href="mailto:tandersonjones@portofpalmbeach.com">tandersonjones@portofpalmbeach.com</a> .
<b>Proposals Due</b>	<b>Wednesday, May 31, 2023 at 2:00 PM</b>
<b>Deadline for Inquiries</b>	<b>Friday, May 26, 2023 2:00 PM</b> <b>Contact:</b> Tacaria Anderson Jones, tandersonjones@portofpalmbeach.com

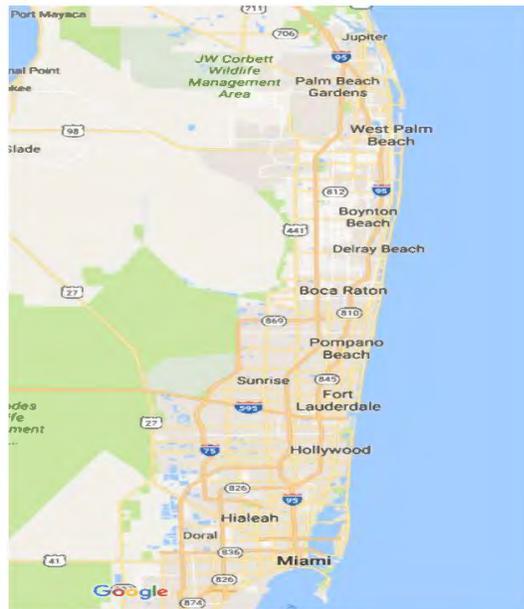
### Instructions for Submitting Proposals

<b>Submittal Address</b>	Port of Palm Beach – Purchasing Department One East 11 <sup>th</sup> Street, Suite 600 – <b>RECEPTION DESK</b> Riviera Beach, Florida 33404
<b>Submittal Copies</b>	Five (5) original (clearly marked Original) paper versions and electronic copies provided USB drive.
<b>Submittal Envelope Requirements</b>	Proposal must be <b>sealed</b> and have the following information <b>clearly marked</b> and visible on the outside of the envelope: <ul style="list-style-type: none"> <li>• Proposal Name/Number</li> <li>• Name of Company</li> <li>• Address</li> <li>• Phone Number</li> <li>• E-mail address</li> </ul>
<b>Late Submittals</b>	<b>It is the Offeror’s responsibility to ensure that their proposal reaches the submittal address by the time/date indicated. <u>Proposals received after the time/date stated above shall not be accepted.</u></b>

## Solicitation Overview

### 1) Port Overview

The Port of Palm Beach District (a Special Taxing District, a Sub-Division of the State of Florida) manages the Port of Palm Beach. The Port is located in Palm Beach County, in the City of Riviera Beach. The Port's primary cargo market is containerized exports to the Caribbean. The Port is a Top 20 container port nationally and is the 4th busiest container port of Florida's 14 deep-water ports. It is one of only 16 "Export Ports" in the United States. In FY 2022 the Port tenants shipped approximately 270,000 TEU (Twenty-Foot Equivalent units) and other commodities, worth over \$5.3 Billion. A single ship cruise line uses the cruise terminal facilities every other day, currently averaging over 350,000 passengers per year. The Port is located adjacent to and directly served by the Florida East Coast Railroad, which runs between Jacksonville and Miami. There is a robust road network leading to the Port, with direct routes to I-95 and the Florida Turnpike, which are only minutes away.



### 2) Solicitation

The Port has had a long history of being a location service shipping vehicles from the Port of Palm Beach to Haiti. The Port recognizes that such a service is important to the local community. At this time the Port is seeking responses to an RFP to re- establish this service on a portion of our Annex Property. The Port is soliciting proposals for the **Highest** and **Best Use** with the primary business to be vehicle and cargo shipments to Haiti utilizing approximately 2 acres (see site specifications) this site size still being determined.

Ro-Ro auto and vehicle processing / Ro-Ro equipment

Uses that have significant adverse impacts, including, but not limited to, operational impacts on maritime activities elsewhere in the seaport, as determined by the Port, will not be considered.

The Port prefers proposals for the whole Site; The Port will consider all proposed durations of term for use and occupancy of the Site.

It is anticipated that the Board of Port Commissioners will consider awarding an agreement to occupy and use the Site to the successful Proposer(s). This agreement may take the form of a lease agreement or other property rental agreement and operating agreement (collectively referred to herein as “lease”).

All Proposers must comply with the terms and conditions set forth in this RFP.

### **3) Opportunity Highlights**

The Port believes the following factors and maritime characteristics of the seaport emphasize the value of the Site for continued maritime purposes:

- **Key gateway.** The seaport is the 4<sup>th</sup> busiest container port in Florida. The seaport is primarily an export Port and is diverse with containerized, bulk and break-bulk cargoes being handled globally to/from the Port.
- **Strong cruise traffic.** The seaport offers a year-round cruise line currently averaging 350,000 + passengers annually through its adjacent cruise terminal to the site.
- **Reliable water access.** The Site offers a federal channel/turning basin at -33 feet MLLW, however depths can vary from the effect of currents and other forces of nature. The Port is not responsible for dredging of the channel, but works closely with the Army Corps of Engineers to facilitate dredging events as necessary.
- **Excellent transportation network.** The Site has access to major roadways, Interstate 95 and the Florida Turnpike, providing convenient access for truck and vehicular traffic, and other roadway transport. The Site is also located near the Palm Beach International Airport.
- **Rail facilities.** The Port offers on-port & on-dock rail near the site linked to FEC.
- **Flexibility to develop.** The Respondent is welcome to propose improvements it deems appropriate for the maritime use of the Site. The Port may have limited financial resources to assist in funding improvements, if appropriate.

**Area Supporting Development.** Marina Village just north of the Site is a 26 acre partially developed village offering a recreation area, event center, outdoor amphitheater, park, watersports, beach area, meeting space, restaurants, public market and more.

### **4) Solicitation Goals**

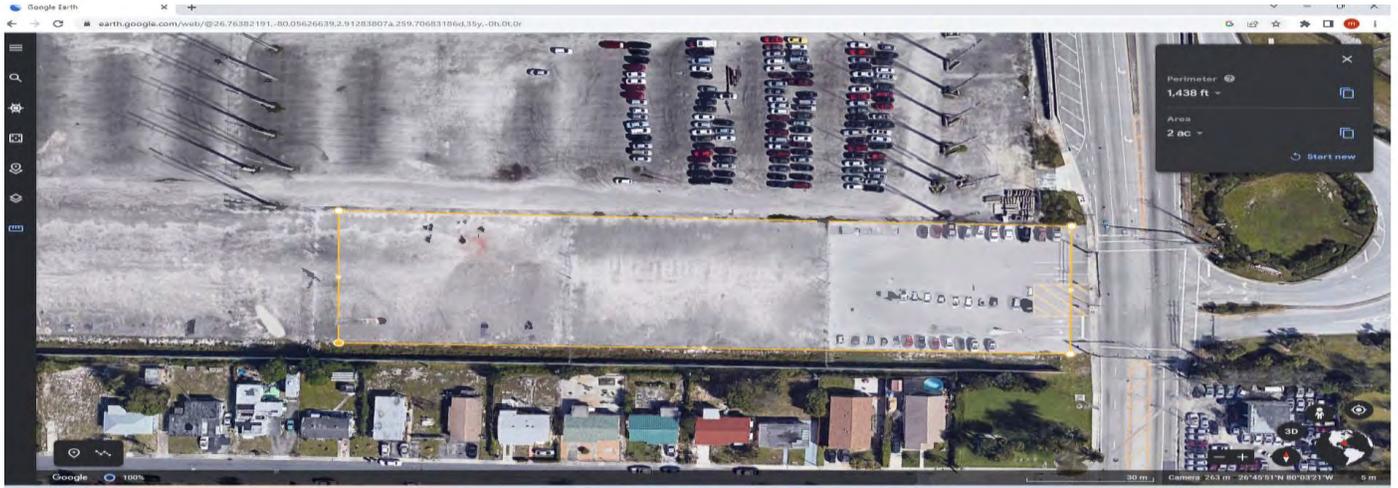
The Port’s goals for the Site are as follows:

1. Comply with and support the Port’s policies.
2. Primary land use is to re-establish a vehicle shipping service for Haiti.

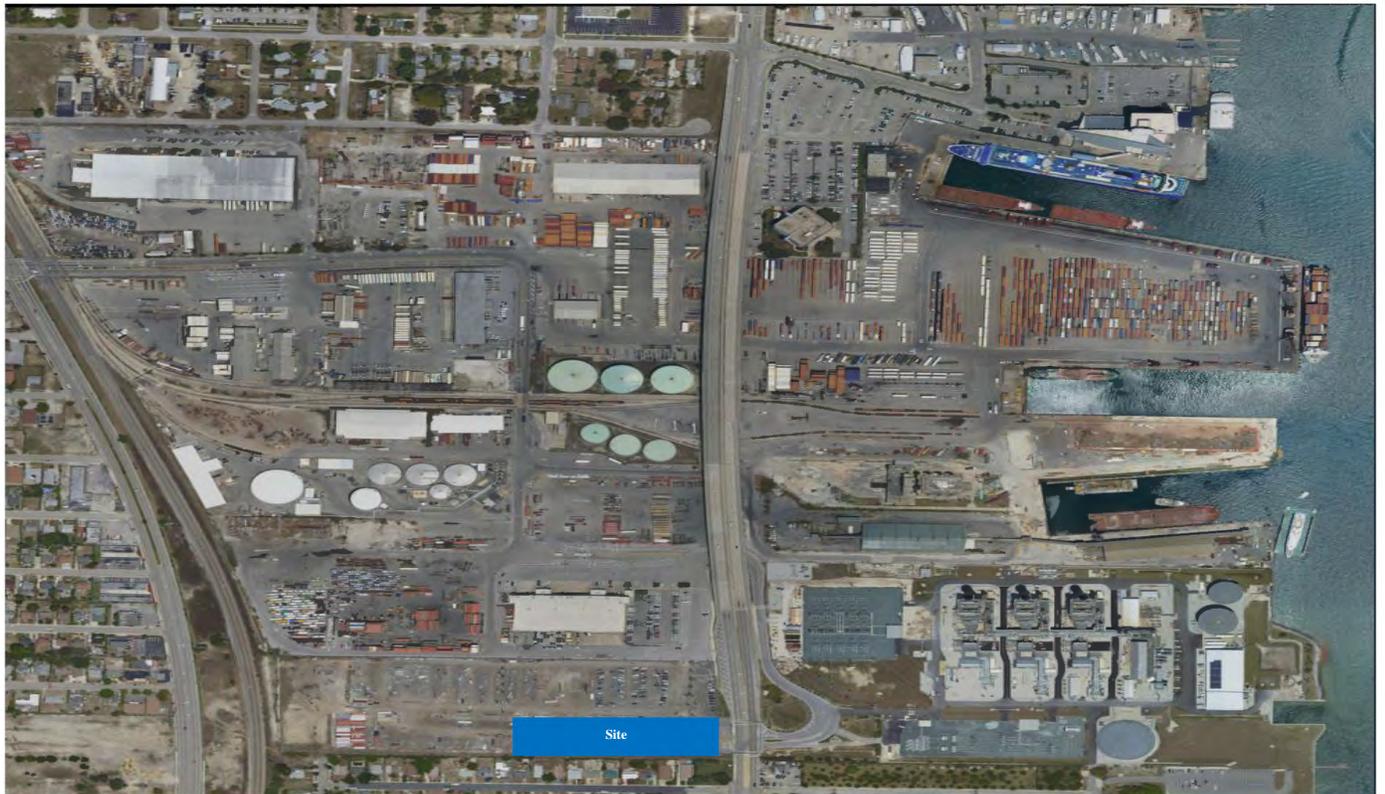
In the event the selected respondent has a change in primary use after contract award and operation such change would require re-negotiation and approval by the Board of Commissioners.

**I. Site Specifications**

Parcel/Tract #1 – Annex Property approximately 2 Acres with public access and direct access US 1



Port Aerial



**1) Site Overview**

The Site is comprised of approximately 2 acres of partially paved land with lighting and other improvements. The Site is located at the southeast end of the seaport.

The water depth alongside the wharf is permitted and maintained to -25 feet MLLW, and the adjacent Inner Harbor Channel is dredged annually by the U.S. Army Corps of Engineers to maintain a depth of -33 feet MLLW.

## **2) Rail Access**

The Port operates its own rail service and has direct rail connection to the FEC railroad.

### **Condition of Property and Future Improvements**

The successful Respondent must be prepared to take possession and use of the Site in its “as-is, where-is, with all faults” condition, including without limitation, environmental compliance. The Respondent will be responsible for all improvements, including without limitation the construction, financing, and maintenance of all such improvements. The Respondent will be responsible for obtaining all applicable permits and other entitlements for such improvements. Port may have some limited financial resources to assist in funding appropriate capital improvements.

## **3) Land Use and Permitting**

Improvements to the property require a Port of Palm Beach permit, and improvements and land use may require permits and approvals from the City of Riviera Beach and if required, a FDEP permit for modification to the storm water system, and other Federal State and Local governmental entities depending on the nature of the improvements and use.

## **II. Environmental Conditions in Subsurface Site**

A Port approved Environmental plan will be required for this site ensuring environmental compliance with state, Federal and local requirements.

## **III. Insurance Requirements**

The selected Respondent will be required to comply with the following Port Policy Requirements, as applicable:

### **Insurance Requirements:**

Respondent must obtain public liability insurance from an insurance carrier satisfactory the Port to protect against loss from liability on account of bodily injury, and also to protect against loss for damages to any property of any person caused directly or indirectly by or from the acts or activities of the proposer. Such public liability and property damage insurance shall be maintained in full force and effect during the entire term of an agreement, in the amount of not less than Five Million Dollars (\$5,000,000.00) for any property damage or loss from any one (1) accident, and not less than Five Million Dollars (\$5,000,000.00) for injury to anyone (1) person and not less than Five Million Dollars (\$5,000,000.00)

from any one (1) accident combined, single limit. Port reserves the right to require any increase in the amount of liability coverage, from time to time during the term of an agreement as Port should determine to be commercially reasonable.

#### **IV. Submission Requirements**

The Port has scheduled a **pre-proposal meeting** on **May 23, 2023** at **2:00PM** to review the submission requirements. While not mandatory; attendance at this meeting could prove to be beneficial.

The Port will provide a Site tour following the pre-proposal meeting. This meeting and site tour are highly recommended. All tour participants must have valid government-issued identification (i.e., driver's license, passport, TWIC card) to access the Site.

Please respond to the submission requirements in a straightforward and concise manner to satisfy the requirements of the RFP. The Port will use your responses to objectively determine your ranking among the proposals received.

#### **Format**

The Proposal shall not be longer than 30 pages ("Base Page Limit") (one sided or 15 pages double sided), printed on 8 ½" x 11" paper and formatted in no smaller than 11 point font. Please label your responses 1 through 9, in the order presented below. **Five original copies shall be provided, together with a copy on a USB drive. Failure of the Respondent to provide any information requested in the RFP may result in rejection for non-responsiveness.** Additional information may be presented in a separate binder or attachment, but the Content (described below) of the Proposal must be set forth within the Base Page Limit.

#### **Content**

The proposal must respond to the following 10 items. Please label your responses 1 through 10, in the order presented below. Responses to items 1 through 9 of this section IV are subject to the 30 page limit.

##### **1) Cover Letter and Company Information**

The proposal must provide the following Proposer and team member information:

- a) Cover letter
- b) Name of your company (including the name of any parent company), business address, email address, Federal Tax ID number, telephone and fax (optional) numbers. Also provide a brief statement of who is authorized to submit the proposal on the behalf of your firm. Please make sure that person signs and dates the statement.
- c) A description of the Proposer, including a description of all team members and the anticipated legal relationship among the team members. Include the location (address) of each team member.
- d) A brief outline of the roles of each team member. At a minimum, each Proposer must identify all participants of its team and the team members who will have primary responsibility for facility operations, customer relationships, financial matters (including capital improvements) and relations with the Port.

- e) The identity of each individual or company who holds a major or controlling interest in the Proposer and each team member.
- f) The identity of each company and individual who is expected to act as legal, financial, or other advisor for the Proposer.
- g) An organizational chart that illustrates the roles and relationships identified in (b) –(e).
- h) Provide a written statement that your company has not been debarred from providing services to any State or Federal Agency within the last five (5) years. Sign and date your statement.

If your firm has been debarred, you will need to provide background information and reason for the debarment. Provide the name and contact information for the agency that debarred your firm. The Port must review the reason and duration for the debarment before it can determine if your firm can be considered for this project.

## **2) Knowledge and Experience**

Biography of the Firm – Proposals must contain a biography of the firm or firms responding to this Request for Proposal. The biography should include sufficient detail to allow a reasonable evaluation of the relative capability of respondents to serve the needs of the Port of Palm Beach.

Provide relevant information about your company’s knowledge and experience. By providing reference/client information, you authorize us to contact such clients.

- a) A list of at least three comparable operations in the marine, rail, and/or surface transportation sector in which the Proposer and each team member have participated (limited to the last 10 years). To the extent the Proposal includes capital improvements, also include three comparable development projects of a similar nature to the improvements proposed. Proposers should specify how these comparable projects and/or operations relate to the proposed Project. Provide a description of each project:
  - i) Brief description
  - ii) Cost to implement, revenue generated
  - iii) Nature of the operations
  - iv) Other value-related information that may be pertinent
- b) A list of at least three current Proposer and team member references, which may not include other team members. These references should be able to describe the relevant qualifications and capabilities of team members looking to take a leading role in the operation, maintenance, financing and capital development of the Project. Include names, addresses, and contact information.

## **3) Domicile within The Port of Palm Beach District**

Local presence within the boundaries of the Port District

## **4) Land Area Intended to Use/Occupy**

The proposal must indicate:

- a) If the proposal is for multiple uses then the proposal must specify which portions of the Site will be used for each type of use and by whom.
- b) If the proposal will include any building portions, and if so, which areas, then the proposal must specify the type of use and by whom.

## **5) Term of Occupancy**

The proposal must state the proposed term of the lease, including any options to extend the term noting the Port retain sole authority to exercise options. Maximum allowable term is 10 years.

## **6) Intended Use of the Site**

The Port is seeking to secure business that supports, enhances current maritime operations, and is compatible with the Port's current maritime operations and re-establishes vehicle shipments to Haiti. The proposal must state the proposed primary use of the Site as well as any secondary uses proposed. As stated in the Project Overview, the Port is soliciting proposals for maritime port:

- Ro-Ro auto and vehicle processing and possible other cargo however vehicle shipments to be the primary goal.

Uses that have significant adverse impacts, including, but not limited to, operational impacts on maritime activities elsewhere in the seaport, as determined by the Port, will not be considered.

The statement of proposed primary and any secondary uses must also describe in detail:

- a) The proposed operations of each use
- b) Business plan, including potential cargo activity, key customers, market conditions to support the activities proposed, and how such activity complements the current Port maritime operations including financial forecasting for the base and any option period of the proposed contract.
- c) Type and amount of equipment and structures that will be needed for such operations, including any proposed use of the existing cranes
- d) Hours of operation
- e) Estimated schedule for reaching full operations
- f) A map or site plan showing anticipated operations
- g) Proposed measures or methods to minimize or avoid emissions of air pollutants, including but not limited to diesel particulate matter and greenhouse gases, and other measures to maintain and enhance environmental performance
- h) Estimated direct and indirect economic benefit from the proposed use of the Site to the surrounding local community and region. Please include estimated direct and in-direct employment projections over the term proposed

## **7) Improvements**

State what if any improvements, if any, the Proposer proposes developing during the term of the lease, including, without limitation:

- a) Any buildings, utility systems, repaving, or other construction activities.

- b) A proposed site plan showing the general location of each improvement on the premises.
- c) A schedule of performance showing:
  - i. Types of permits/approvals from regulatory agencies the Proposer anticipates will be necessary to secure for the proposed use and improvements
  - ii. When the Proposer anticipates securing all permits, approvals, and financing for such improvements
  - iii. When the Proposer plans to begin construction of such improvements
  - iv. When such improvements will be completed
  - v. Amount and form of financing/funding

### **8) Rent and other revenue sources**

The proposal must state the proposed rent for all portions of the Site that the Proposer proposes to use and occupy during the term of the lease, including without limitation:

- a) Proposed amount of rent (minimum of \$2.10 per square foot as a starting point)
- b) Proposed amount of minimum Wharfage (per vehicle or other type of cargo)
- c) Proposed frequency of minimum guarantee rent (the Port prefers monthly minimum rent)
- d) Proposed variable rent (e.g., “participation rent” or “profit sharing”), if any
- e) Proposed rent escalators, (including frequency and basis)
- f) Proposed vessel specs (length overall/gross registered tons)
- g) Proposed vessel frequency (number of port of calls)

For any proposed variable rent based on revenues or other basis, describe in detail how such percentage rent would be calculated. If the proposal is for multiple portions of the site to be operated by different entities, provide the above information for each portion of the Site.

### **9) Financial Capacity**

The proposal shall include:

- a) Evidence satisfactory to the Port of the Proposer’s financial capacity to carry out and implement every aspect of the Proposer’s proposal, including, without limitation:
  - i. Development and maintenance of any proposed improvements
  - ii. Purchase or acquisition of all necessary equipment and materials
  - iii. Compliance with all environmental or other regulatory requirements that may apply to the proposed use and operation of the premises.
  - iv. Provide financial security (i.e. Surety Payment Bond/Deposit based on estimated revenues).
- b) Audited financial statements for the last available year; if audited statements are not available, please provide unaudited statements and certification of the Chief Financial Officer (or equivalent) as to the unaudited financial statements.

## **V. Evaluation of Proposals**

This will not be a public bid opening. Section 119.071(1)(b) F.S., the Florida Public Records Law will govern public access to the Proposals.

Prior to award, the Port must be assured that the Respondent selected has all of the resources required to successfully perform under the agreement. These assurances include, but are not limited to, personnel with skills required, equipment/materials and financial resources sufficient to perform under the award. If during the evaluation process, the Port is unable to assure itself of the Respondent's ability to perform, the Port has the option of requesting from the Respondent any information that the Port deems necessary to determine the Respondent's capabilities. If such information is required, the Respondent will be notified and will be permitted five working days to submit requested information.

Please make sure you have submitted responses to all items listed in the Submission Requirements section, as your proposal will be evaluated based on the following four criteria:

### **1) Evaluation Criteria**

#### Cover Letter, Company Information, Knowledge and Experience – 20 Points

As evidenced from Items 1 and 2 of Submission Requirements.

#### Domicile within The Port of Palm Beach District – 10 Points

As evidenced from Item 3 of Submission Requirements.

#### Plan and Approach – 30 Points

As evidenced from your response to Items 4 through 7 of Submission Requirements.

#### Proposed Financial Capacity - 40 Points

As evidenced from your response to Items 8 and 9 of Submission Requirements.

### **2) Selection Procedure**

The Port will not be responsible for late deliveries or mail or courier delays. The time/date stamp located at the District's Reception Area on the 6th Floor of the Maritime Office Complex will be the official authority for determining on-time and late proposals. It is the Respondent's responsibility to deliver the Proposal to the Port.

The Port of Palm Beach District reserves the right to accept or reject any or all timely submitted proposals and to accept the proposal(s) which best serves the interests of the Port of Palm Beach District.

A person or affiliate who has been placed on the convicted vendor list following a conviction for public entity crime may not submit a proposal to provide any goods or services to a public entity, may not submit a RFP/bid

for a contract with a public entity for the construction or repair of a public work, may not submit a RFP/bid on leases of real property to a public entity, may not be awarded or may not perform work as a contractor, supplier, subcontractor, vendor, or consultant under a contract with any public entity, for a period of thirty-six months from the date of being placed on the convicted vendor list.

Any Offeror wishing to receive a copy of the List of Offerors is required to enclose a stamped, self-addressed envelope with their proposal response. All proposals received by the deadline which meet the RFP's requirements will be evaluated. The Port reserves the right to exercise broad discretion in the review and evaluation of all proposals received based on the evaluation criteria listed above. Based on the responses to this RFP, Port Staff will rank the Respondents. Selection will be by the Board of Port Commissioners at a public meeting.

The Port reserves the right to modify or terminate this solicitation at any stage if the Port determines such action to be in its best interest. The receipt of proposals or other documents at any stage of the RFP process will in no way obligate the Port to enter into any contract of any kind with any party.

## **VI. Additional Provisions**

The terms "Consultant", "Contractor", "Proposer", "Respondent", "Seller", "Supplier", "Offeror" and "Vendor" whenever appearing in this RFP or any attachments, are used interchangeably to refer to the company or firm submitting a proposal in response to this RFP.

### **A. Port's Legal Name and Jurisdiction**

The Port of Palm Beach (the "Port") is legally known as the Port of Palm Beach District, a Special Taxing District, Governed by its Board of Commissioners. The Port is a landlord Port and has exclusive control of all Port facilities and properties. Port facilities and properties consist of marine terminals, railroad and container terminal areas (collectively, the "Seaport").

### **B. Ownership of Proposal**

All rights to information developed, disclosed, or provided in a proposal and its attendant submissions are the property of Port, unless a Respondent makes specific reference to data that is considered proprietary. To the extent that a Respondent does not make specific reference to data that is considered proprietary, submission of an RFP constitutes the Respondent's express (a) grant and assignment of a perpetual, transferable (in whole or in part), non-exclusive royalty-free license to the Port for copyright, patent, or other intellectual property right (collectively referred to as "intellectual property"), and (b) agreement that the Port may use any such intellectual property without charge for any lawful purpose in connection with other Port development projects, including without limitation the creation of derivative works and issuance of sublicenses.

### **C. Public Records**

Pursuant to the Florida Public Records Act, materials submitted by all Respondents and the results of the District's evaluation may be open to public inspection, in accordance with the provisions of that Act. Respondents should take special note of this as it relates to any proprietary information that may be included in proposals.

**D. Port Tariff**

By submitting a Proposal, the Respondent represents that it has read and familiarized itself with the current Tariff of the Port of Palm Beach District, which is available for review and download at [www.portofpalmbeach.com](http://www.portofpalmbeach.com).

**E. Port's Right to Modify**

Respondents are advised that the Port has not incurred any obligations or duties in soliciting this RFP. The Port reserves the right to reject any or all proposals submitted in response to this RFP; to request additional information or clarification of information submitted; to cancel or modify, in part or in its entirety, this RFP; to request new RFPs or pursue any other means for obtaining the desired services; to waive any informalities or irregularities in the RFP and other inconsequential deviations from the RFP's requirements, other than timely delivery of the RFP to the Port. The Board of Port Commissioners retains the right, exercising broad discretion, to award this project in part or in total to the Respondent(s) of its choice, and to decide to undertake the project or to terminate the project at any time prior to approval of a formal contract.

**F. Cost of Preparing a Response**

All costs for developing a response to this RFP and attending any proposal meetings or selection meetings are entirely the responsibility of the Respondent and shall not be chargeable to the Port.

**G. Law Compliance**

The Respondent must comply with all laws, ordinances, regulations and codes of the Federal, State, and Local Governments, which may in any way affect the preparation of proposals or the performance of the contract.

**H. Respondent's Relationship**

The Respondent's relationship to the Port shall not be deemed that of an employee, agent, or joint venture of the Port.

**I. False Statements**

False statements in a proposal may disqualify the proposal.

**J. Amendments**

The Port may, at its sole discretion, issue amendments to this RFP at any time before the time set for receipt of proposals. The Respondents will be made aware of any amendments (addenda) issued to this RFP by updates to the Ports website. If your company has provided an email to the Port, your company email will be placed on a distribution list for all Amendments (Addenda) to the RFP.

The Port shall not be bound by any representations, whether oral or written, made at a pre-proposal meeting or site tour/meeting, unless such representations are incorporated in writing as an amendment

(addenda) to the RFP or as part of the final contract.

All questions or requests for clarification concerning material terms of the contract should be submitted in writing for consideration as an amendment (addenda).

**Offerors must include signed copies of each/every Amendment(s) (Addenda) to this RFP with their submittal. Failure to do so shall result in the Proposal being considered non-responsive.**

**K. Withdrawal or Modification of Offers**

The Respondent may modify or withdraw an offer in writing at any time before the deadline for submission of a proposal.

**L. Acceptance**

Selection of a Proposal shall not require that the Port actually proceed to an agreement with the Respondent.

**M. Representations**

No representations or guarantees of any kind, either made orally, or expressed or implied, are made with regard to the matters contained in this document, including any attachments, letters of transmittal, or any other related documents. The Respondent must rely solely on its own independent assessment as the basis for the submission of any offer made.

**N. Award Consideration**

The Port shall not be bound to accept or award to the highest paying proposal and will award the contract (if any) to the company/firm selected through the competitive process (and any subsequent interviews) outlined in this RFP.

## **SPECIAL CONSIDERATIONS/REQUIREMENTS:**

### **Security at the Site:**

The Annex site has a public access off of Broadway/U.S. Highway One (entrance and exit). Tenant will be responsible for maintaining and securing the parcel, which includes staffing the gates. Berth access is within the secure part of the Port and a Transportation Worker Identification Credential (TWIC) will be required to access while transferring cargo to the dock. In addition, there are other port wide security measures in place (ie. video surveillance).

### **Utility Connection at the Site:**

There is water and electrical access along the eastern portion of the parcel and electrical access along the southern portion of the parcel. There is no sewer access. Tenant will be responsible for all utilities, including any additional electrical conduits or water lines required for direct connection.

### **Site Restrictions:**

City of Riviera Beach restrictions – The property can be only utilized for staging and storage of rolling cargo, containerized cargo and breakbulk cargo to support the movement and intermodal transportation of cargo in support of commerce and trade activities. Open storage of loose materials, wrecked or junked vehicles or junked equipment and storage of hazardous waste, materials, or other pollutants or contaminants are prohibited. The height of the cargo and equipment used to handle this cargo on the property shall not exceed twenty-five (25) feet in height and must be setback a minimum of sixty (60) feet from the south property line.

FPL restrictions – For dock access, cargo handler will be required to cross the FPL property. FPL restricts anything exceeding 14 feet in height or any equipment capable of extending greater than 14 feet in height from ingress and egress to cross their property.

### **Required City, County, Port Permits:**

All permits required to do business within Palm Beach County (see Section II under Site Specifications).

### **Type of audit report or financial information to be provided:**

Recent annual audit certified by a CPA/Auditing firm for existing business and if this is a new venture with no previous financial history then the business plan will suffice.

### **Options available for the land use:**

Proposal shall be based on 2 acres of land.

**Environmental regulations:**

All State and Federal environmental laws as well as Port requirements to be listed in the contract based on the type of business and operation being proposed.

**Environmental requirement to add an office trailer, if applicable:**

All State and Federal environmental laws as well as Port requirements to be listed in the contract based on the type of business and operation being proposed. Additionally, trailers must have an acceptable hurricane plan.

**Deadline to submit questions:**

Friday, May 26, 2023 2:00 PM

**Contact: Tacaria A. Jones - tandersonjones@portofpalmbeach.com**

**Table of Attachments and Exhibits**

Attachment 1	Sworn Statement	To be completed by Vendor and notarized
Attachment 2	Checklist	To be completed by Vendor
Exhibit A	Submittal Matrix/Detail	To be reviewed by Vendor
Exhibit B	Annex Property Traffic Pattern to Access Berths	To be reviewed by Vendor
Exhibit C	Port of Palm Beach 2023 Steamship Agents & Stevedores List	To be reviewed by Vendor
Exhibit D	Port of Palm Beach Tariff #24A	To be reviewed by Vendor
Exhibit E	Port of Palm Beach Tariff #24A Rate Flyer	To be reviewed by Vendor

**ATTACHMENT 1**

**SWORN STATEMENT**

(SECTION 287.133(3)(A)) FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES)

(NOTE: THIS MUST BE COMPLETED WITHOUT ALTERATION OR QUALIFICATION OR YOUR RESPONSE TO THE RFP WILL BE REJECTED)

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn Statement is submitted to the PORT OF PALM BEACH DISTRICT ("PORT") by \_\_\_\_\_ whose business address is \_\_\_\_\_, and (if applicable) its Federal Employer Identification Number (FEIN) is: \_\_\_\_\_. (If the entity has no FEIN, include the Social Security Number of the individual signing this Sworn Statement: \_\_\_\_\_).

I understand that a "public entity crime" as defined in Florida Statutes §287.133(1)(g), 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 of 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.

I understand that a "convicted" or "conviction" as defined in Florida Statutes §287.133(1)(b), means a finding of guilt or a 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.

I understand that an "affiliate" as defined in Florida Statutes §287.133(1)(a), Means:

- a) A predecessor or successor of a person 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 who 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.

I understand that a "person" as defined in Florida Statutes §287.133(1)(e), 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.

Based on information and belief, the statement which I have marked below is true in relation to the entity submitting this Sworn Statement. [Indicate which statements apply.]

(A) \_\_\_\_\_ **(No Convictions)** Neither the entity submitting this Sworn Statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active

in the management of this entity, nor any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

(B) \_\_\_\_\_ **(Convictions)** The entity submitting this Sworn Statement or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of this entity, or any affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989, but the entity and no such person is on the Convicted Vendor List as defined in Florida Statute §287.133. **[PORT STAFF – If this item is checked, you must consult with the District Executive Director or CFO)]**

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PORT IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PORT OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature of person signing)  
(Printed name of person signing)

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_, as \_\_\_\_\_ (Title) of \_\_\_\_\_, a Florida \_\_\_\_\_ (Type of entity) on behalf of the entity. He/she is personally known to me or has produced \_\_\_\_\_ as identification.

Notary Public, Commission No. \_\_\_\_\_

SEAL

\_\_\_\_\_  
Name of Notary, typed, printed or stamped

**ATTACHMENT 2**  
**CHECKLIST**  
**(RFP 02-2023A LAND LEASE & OPERATING AGREEMENT FOR ANNEX PARCEL)**

The following information and instructions are provided as a reminder to emphasize the importance of submitting a thorough and complete Proposal. Read the RFP submittal instructions in their entirety. **Failure to adhere to the RFP instructions shall result in the Proposal being considered non-responsive.**

**Initial each of the following items as the necessary action is completed:**

- \_\_\_ 1. Vendor has read Section IV, Submission Requirements, in its entirety.
- \_\_\_ 2. Vendor has read Exhibit A, Submittal Matrix/Detail, in its entirety.
- \_\_\_ 3. A cover letter, with an original wet ink signature, is included.
- \_\_\_ 4. The number of Proposal copies required in Section IV, Submission Requirements have been included.
- \_\_\_ 5. Sworn Statement, Attachment 1, has been provided.
- \_\_\_ 6. The Proposal package has been addressed to: **Port of Palm Beach District, 1 E. 11<sup>th</sup> Street, Ste. 600, ATTN: Purchasing Department and delivery has been arranged to ensure receipt by the Port of Palm Beach District, Reception Desk, prior to the deadline set forth in the RFP.**
- \_\_\_ 7. The solicitation number and title are clearly marked in the lower left-hand corner. (**RFP 02-2023A Land Lease & Operating Agreement for Annex Parcel.**)
- \_\_\_ 8. Any requested additional information to be included as a separate appendix is provided.
- \_\_\_ 9. **A signed Acknowledgment for each Amendment (Addenda) issued (if any) is included.**

*We appreciate your interest in doing business with the Port of Palm Beach District and look forward to receiving your Proposal.*

**EXHIBIT 1****SUBMITTAL MATRIX/DETAIL****Fill in Blanks**

<b>Company Information</b>	Including team member roles	Provide attachment(s)
<b>Years of Experience</b>	Experience in the industry	
<b>Operational Plan</b>	Include business plan and intended use	Provide attachment(s)
<b>Comparable Operations</b>	Provide 3 examples	Provide attachment(s)
<b>Base Term</b>	Provide in years	
<b>Renewal Options</b>	Provide in years	
<b>Rental Rate</b>	Provide per square foot	
<b>Rental revenue</b>	Provide dollar value (2 acres/87,120sqft)	
<b>Rental Escalator</b>	Annual rental increase in %	
<b>Minimum Wharfage Guaranty</b>	Example, per vehicle, per ton or dollar amount	
<b>Proposed Wharfage Revenue</b>	Provide dollar value (annually/monthly) (See Tariff attached for rates.)	
<b>Proposed Vessel Specs</b>	Provide length overall (LOA) and gross registered ton (GRT)	
<b>Proposed Dockage Revenue</b>	Provide dollar value (annually/monthly) (See Tariff attached for rates.)	
<b>Domicile within the Port of Palm Beach District</b>	Local presence	YES or NO
<b>Type of Equipment/Structures</b>	Equipment/Structure required to operate the business	Provide attachment(s)
<b>Environmental Plan</b>	Measures or methods to minimize or avoid emissions of air pollutants or hazardous waste	Provide attachment(s)

<b>Direct/Indirect Economic benefit</b>	Include potential local jobs	Provide attachment(s)
<b>Financial Capacity</b>	Financial stability, such as audited statements. In addition, a surety payment bond/security deposit dollar value	Provide attachment(s)