

Experience Rochester

Request for Proposal

RFP MCC2024

MANAGEMENT and OPERATION of the MAYO CIVIC CENTER



April 25, 2024

1 BACKGROUND

- 1.1 The City of Rochester (City) has owned and operated the Mayo Civic Center (MCC) since its inception. On January 1, 2020, the City contracted with the Rochester Convention and Visitor's Bureau dba Experience Rochester (Corporation or Experience Rochester) to manage all operations of the MCC, in addition to its role as the City's Destination Marketing Organization for an initial five-year period. In January 2024, the City renewed the Corporation's contract for an additional three (3) years through December 31, 2027.

2 PURPOSE OF THIS RFP

- 2.1 Select a qualified management company to oversee operations and food and beverages service at the MCC. While the City maintains ownership of the MCC, the chosen management company will report to and be supervised by the President of Experience Rochester (Corporation).

The purpose of this RFP is to solicit proposals with the intent to contract with a partner who can:

2.1.1 Fulfill contractual obligations

2.1.2 Quickly adapt to marketplace trends and changes

2.1.3 Partner with Corporation

2.1.4 Develop, implement, maintain, and fully support a high quality, innovative, and cost-effective operation that provides the most favorable financial return to the Corporation.

3 GENERAL INFORMATION

3.1 MCC FACILITY

The beautifully modernized 470,000 square foot Mayo Civic Center hosts conventions, meetings, conferences, trade shows, entertainment, sporting events, weddings, and other large celebrations. With an \$84 million convention center expansion completed in 2017, the MCC offers more than 200,000 square feet of flexible meeting, exhibit, and event space, ideal for many different industries and events, such as medical and technical conferences, large business meetings, and healthcare summits. Able to accommodate two 1,000 attendee events simultaneously, MCC features Minnesota's largest ballroom, with seating capacity of more than 3,600 theatre-style or 1,700 banquet-style. In addition, MCC features 23 breakout rooms, a production kitchen, stunning pre-function areas with views of the Zumbro River and downtown Rochester, and the Riverfront Plaza, an outdoor reception venue. The MCC's venues are all designed to accommodate the sophisticated production, AV, and wireless service requirements of today's meeting planners.

3.2 MCC COMPLEX

There are other key venues within MCC that are part of the operating responsibilities of a Proposer. These include:

1. The Arena

- a. MCC's Arena hosts a variety of concerts, family shows, and sporting events each year. The flexibility of the Arena allows for bookings beyond entertainment to include

convention sessions and consumer shows. This 25,000 square foot space can seat up to 7,200 festival seating and 5,200 concert seating.

2. Presentation Hall

- a. Dr. Charles H. Mayo Presentation Hall has a rich history and an exciting future. Built in 1939 as a gift to the city by Dr. Mayo and Mayo Properties Association (now Mayo Clinic), Dr. Charles H. Mayo Presentation Hall was Rochester's cultural hub for decades. It continues to serve as a charmingly intimate, elegant venue for concerts, entertainment acts, and other events, accommodating audiences of 500 to 1,084.

3. Auditorium

- a. With its permanent stage, the MCC's Auditorium is the perfect venue for concerts, family shows, and that comedian you can't stop talking about. The flexibility of the Auditorium allows for bookings beyond entertainment to include conventions, sporting events, and consumer shows. Its close proximity to the [Exhibit Hall](#) and [North Lobby](#) offers a natural expansion for large exhibit shows. This 11,800 sq. ft. space can seat up to 3,000 for a concert.

4. Rochester Art Center and Rochester Civic Theatre

- a. In 2021, the City of Rochester implemented the "One Roof" directive. One Roof allows for the Rochester Civic Theatre and Rochester Art Center to maintain mission driven programming and its respective operations, while utilizing MCC staff for non-mission driven programming. Non-mission driven programming includes custodial services, maintenance, food and beverage services, and non-mission sales of the Rochester Art Center. For more information, please refer to the minutes from the City of Rochester City Council meeting on April 21, 2021.

For the purpose of this RFP, when the initials MCC are used, they are referring to the Mayo Civic Center, Arena, Presentation Hall, Auditorium, Rochester Civic Theatre, Rochester Art Center.

3.3 The CORPORATION and MCC OPERATIONS

In addition to administrative oversight of MCC, the Corporation facilitates all meeting and convention sales efforts and facility-wide marketing.

The Corporation, including the operations of the MCC and destination marketing, receives a set amount of funding from the City's hotel tax, currently totaling approximately \$4.0 million on an annual basis. The Corporation, and the selected. Proposer must work collaboratively to manage the MCC and destination marketing budgets within this allocation. For the foreseeable future, the main driver of growth of funds available to the Corporation is expected to come through expense efficiencies as well as new and growing revenue streams at the MCC or other initiatives. There is not expected to be increased levels of public funding to support destination marketing or MCC operations. It will be critical that the selected management company operates as a highly functioning, efficient, and cost-effective organization. This yield management strategy and approaches to increase efficiency and profitability must be included in the Proposer's response.

4 **STATEMENT OF REQUIREMENTS (SOR)**

Please refer to Exhibit A and the Statement of Requirements, for a description of required services.

Minimum Qualifications

- 4.1 To be considered, Proposer must meet the following minimum requirements by providing written documentation validating the following:
- 4.1.1 Minimum five years of experience providing services requested under this RFP; and
 - 4.1.2 Absence of any litigation or government enforcement action where Proposer is defending allegations related to fraud, health code, or alcohol violations.

5 **HOW TO OBTAIN THIS RFP (TBD)**

This RFP will be posted to Experience Rochester website here:

experiencerochestermn.com/about-us/community-reporting

6 **OPTIONAL PRE-PROPOSAL CONFERENCE**

- 6.1 There is a non-mandatory RFP pre-proposal tour scheduled for May 9th from 2:00PM-4:00PM CST. At which time there will be a review of the RFP, an opportunity to ask questions, and a tour of the MCC.
- 6.2 Meeting location:
Mayo Civic Center
30 Civic Center Drive SE
Rochester, MN 55904
- 6.3 There will be a sign-in sheet at the conference and all attendees will be required to submit their name, company affiliation, and contact information.

7 **RFP TIMELINE – KEY DATES**

- | | |
|---|-------------------------------------|
| 1. RFP Issued: | April 25, 2024 |
| 2. Non-Mandatory Pre-Proposal Tour: | May 9, 2024
2:00PM - 4:00 PM CST |
| 3. Mandatory Notice of Intent to Submit: | May 13, 2024 |
| 4. Final day the Corporation will accept written questions: | May 15, 2024 |
| 5. The Corporation response to questions distributed by: | May 29, 2024 |
| 6. Proposals due: | June 11, 2024
5:00 PM CST |
| 7. Notify Finalists (subject to change): | June 14, 2024 |
| 8. Oral Presentations (subject to change): | June 20, 2024 |
| 9. Bid Award (subject to change): | July 3, 2024 |
| 10. Contract negotiations begin: | July 15, 2024 |
| 11. Transition date: | September 1, 2024 |

12. Contract start date:

January 1, 2025

8 **RFP DOCUMENTS**

ATTACHMENT A	PROPOSAL CERTIFICATION
EXHIBIT A	Scope of Services

9 **LATE PROPOSALS**

Late proposals shall be rejected and returned to the Proposer. This deadline is absolute, and proposals received after the due date and time shall not be considered. Proposers must select a method of delivery that ensures proposals will be delivered to the correct location by the due date and time.

10 **TERM OF AGREEMENT**

The initial term of the Agreement shall be for five years, with two, five-year options to renew at the discretion and by approval of the Corporation's Board of Directors.

11 **PROCEDURE FOR SUBMITTING QUESTIONS AND INQUIRIES**

Questions pertaining to this RFP should be submitted via email to dmeyer@experiencerochestermn.com. Please submit all questions by the deadline indicated in the procurement timeline, Section 7, and include MCC2024 OPERATOR RFP in the subject line. The Corporation will provide a written response to all pertinent questions in the form of an Addendum.

12 **OBJECTIONS**

Any objections as to the structure, content, or distribution of this RFP must be submitted in writing to the purchasing contact prior to the submission deadline for Questions and Answers. Objections must be as specific as possible, and identify the RFP section number and title, as well as a description and rationale for the objection.

13 **PURCHASING CONTACT**

Deanna Meyer
Chief of Staff
Experience Rochester
& Mayo Civic Center
30 Civic Center Drive SE
Rochester, MN 55904
dmeyer@experiencerochestermn.com

14 **PROPOSAL SUBMITTAL REQUIREMENTS**

14.1 **GENERAL**

Proposers must respond to this RFP by the due date and time listed in RFP Section 8, "Procurement Timeline - Key Dates". Proposals must be addressed and labeled as follows:

Deanna Meyer
Experience Rochester
& Mayo Civic Center
30 Civic Center Drive SE
Rochester, MN 55904

RFP MCC2024 - OPERATIONS

If delivering in person, follow the signage to MCC Administration B office at the address above.

Proposers are to provide a thorough submittal using the guidelines presented herein. Submittals should be prepared simply and economically, providing a straightforward, concise description of the Proposer's ability to meet the requirements of the RFP. Submittals should provide "layman" explanations of technical terms that are used. Submittals that appear unrealistic in the terms of technical commitments, lack of technical competence, or are indicative of failure to comprehend the complexity and risk of this contract may be rejected.

Number of Copies: Submit one original, an electronic link to a digital copy, and six copies of your proposal.

14.2 FORMATTING

The Proposal must be in Times New Roman, Arial or some similar, easily readable font. The size of the font cannot be any smaller than 11 and margins should be 1 inch or wider. Hardcopy proposals should be in a binder and tabbed.

14.3 PROPOSAL CONTENT

Emphasis should be on conforming to the RFP instructions, responding to the RFP requirements and the completeness and clarity of content. The guidelines in this section provide an outline of the information to be included in the submittal. This outline is not all-inclusive and Proposers may add information as deemed appropriate.

14.4 ATTACHMENT A – PROPOSAL CERTIFICATION FORM

Please complete, sign, and submit this form with your proposal.

14.5 BACKGROUND AND PROJECT SUMMARY

The Background and Project Summary Section should describe the Proposer's understanding of the scope of management work to be done, and the types of creative initiatives that the Proposer may take to meet the goals and objectives for contract management set forth in this RFP.

14.6 PROPOSER QUALIFICATIONS

Summarize the Proposer's experience and number of years in managing convention centers, including a list of current and former clients. Include references for selected facilities managed by the Proposer, including name, address, email, and telephone numbers of key individuals who may be contacted. Also, include the listing and size of other facilities/centers the Proposer has managed.

14.7 CORPORATE MANAGEMENT QUALIFICATIONS

Please detail the experience and qualifications of the Proposer's Corporate Management team and include resumes outlining the experience, education, and performance record of individuals who will have supervisory responsibility over the MCC.

14.8 MANAGEMENT AND OPERATIONS PLAN FOR MCC

Based on your review of the background materials and reference information provided in this RFP, as well as the insight gained during the Proposer's site visit at the optional pre-proposal tour and other research particular to MCC operations, provide detailed descriptions of the approaches, initiatives, policy changes, and other efforts that your firm would take with respect to the items described below. In responding to these items, Proposers are expected to provide information particular to the MCC and the Rochester market, avoiding significant "boilerplate" information.

- Provide a description of the Proposer's overall philosophy and approach to the management and operation of the MCC, including your approach to the Arena, Presentation Hall, and the Auditorium.
- Summarize the specific initiatives you would consider to optimize MCC while containing and effectively managing costs, specifically event and fixed operating expenses.
- Summarize the specific initiatives you would consider to increase MCC revenues and overall bottom line to the organization and overall economic impact to the City of Rochester.
- Describe the operating policies and procedures related to customer service, seamless service delivery, repair and maintenance, security, and other primary building functions. Please provide a response in the form of how an SOP (Standard Operating Procedures manual) would be developed to ensure delivery of consistent, high-level service throughout the operation including key vendors and suppliers.
- Describe your approach to ensuring that all vendors and suppliers deliver the highest level of service. This includes, but is not limited to food/beverage vendors, audio/visual providers, decorators, and internet providers.
- Detail your approach to information technology systems and services including how you would approach the transition to take over existing equipment, systems, and maintenance and how the MCC will remain at the forefront in technology provided.
- Identify the specific type, timing, and breadth of recurring financial reporting that you would expect to provide the Corporation. Provide examples of various types of report/audit documents.
- Describe your approach and detailed employee management, compensation, and administrative policies and procedures. Please submit a sample employee handbook.
- Describe your event management and accounting systems and provide sample records illustrating the capabilities of your system (include sample reports).
- Describe your approach to Cash Flow Management and means of protecting against fraud and waste. This includes the ability to manage the budget, find operating efficiencies, and deliver successfully on driving revenues to offset costs (as described in section 3.2.1).

- Identify any different approaches you may consider in the manner in which goods or services are delivered at MCC.
- Describe how you would create and provide examples of how you have created reports that provide data driven reporting of performance using Key Performance Indicators (KPI's).
- Describe how you would create a partnership with other organizations and venues surrounding the MCC including local arts and cultural organizations. Provide your specific approach to the Rochester Art Center and Rochester Civic Theatre as partners within the MCC.
- Describe how you would develop and foster a relationship with Mayo Clinic, a major demand driver in the Rochester hospitality community, as a premier and integrated user of the MCC.
- Provide any other information which would be useful in evaluating your proposal.

PARTNERSHIP, TRANSPARENCY, AND ACCOUNTABILITY

Partnership, transparency, and accountability are critically important to the short- and long-term success of the MCC. The selected Operator will be expected to adhere to comprehensive reporting timelines and will embrace the oversight role of the Corporation in a spirit of genuine cooperation.

Partnership

The Corporation seeks to establish a collaborative partnership with the selected Operator for the effective management of the MCC. The Operator should demonstrate a commitment to understanding the Corporation's goals and objectives and work collaboratively to achieve them. This partnership should foster open communication, synergy, mutual respect, and shared responsibility in all aspects of MCC management. This spirit of partnership needs to be fostered across the entire team to cultivate a unified approach between the Operator and the Corporation.

Transparency

The selected Operator must adhere to the highest standards of honesty and transparency with an understanding that the Operator and Corporation have mutual goals and that operational decisions directly impact the Corporation. This includes providing timely detailed financial reports and statements regularly to the Corporation, accurately outlining all income, expenditures, and financial transactions related to the MCC operations.

Accountability

The Corporation requires the implementation of a robust accountability framework by the selected Operator. This framework should define the oversight and controls that will be implemented. Provide your approach and plan for partnership, transparency, and accountability.

METRICS FOR MCC PERFORMANCE

Overall MCC Metrics: The following are additional metrics that have been adopted by the City and the Corporation in determining the overall success of the MCC.

- Gross Revenue
- Net Income
- Room Nights Consumed
- Customer Service Survey Results Scores
- Event Mix
- Community Benefit

Please articulate how your approach will support the achievement of the metrics above.

14.9 TRANSITION PLAN OVERVIEW

The Proposer must submit an overview of key elements of a transition plan, including the process and timing for transitioning MCC personnel and financial systems. Recommendations as to the timing of the transition process should include a date for complete hand-over of MCC operations to the successful Proposer. Responses should be specific to the conditions surrounding the MCC, and not be generic in nature.

The information pertaining to the proposed transition plan should, at a minimum, include the following:

- The process and timing for review of existing vendor contracts.
- The process and timing for inventorying existing MCC assets.
- The process and timing for converting the financial reporting and other systems.
- Review of live entertainment efforts and development of a live entertainment plan.
- The time frame for execution of the overall transition plan (including specific reference to key operational departments/functions such as Human Resource, Sales/Marketing, Information Technology, Event Services, Maintenance, etc.).

14.10 PROFESSIONAL RESUMES FOR KEY PERSONNEL

Proposer must submit professional resumes for its key personnel proposed to be assigned to the MCC operations. Resumes should be provided at a minimum for the General Manager, with targeted candidates for the Director of Food and Beverage and Director of Operations. The position titles used herein are for example only and are not intended to define or describe an organizational structure. The proposal must adequately describe each proposed professional's qualifications, experience, and assigned function. In an effort to ensure the key personnel remain intact at the MCC if awarded, the Proposer must commit those personnel roles for a minimum of one year and should not transfer them to another venue.

14.11 PREVENTIVE MAINTENANCE PROGRAM

The Proposer shall summarize their approach to Preventive Maintenance Programs for the proposed term of the Agreement. Please provide examples of this program that are in effect at comparable facilities managed by Proposer. Include in the program Proposer's methods for assuring that all maintenance work is scheduled, completed, documented, and performed in a manner that is consistent with generally accepted standards for building maintenance.

14.12 SUBCONTRACTOR INFORMATION AND QUALIFICATIONS

The successful Proposer may elect to subcontract some portions of the services to be performed. Wherever the Proposer intends to subcontract certain services, the specific service, roles, and responsibilities must be identified in this section of the submittal.

14.13 EXPERIENCE WORKING WITH A DESTINATION MARKETING ORGANIZATION

Provide a brief description of the Proposer's successful experience in working with Destination Marketing Organizations, including detail as to programs that emphasize coordination in achieving financial, room night, and economic impact goals, and that distinguish the Proposer's ability to work in conjunction with these organizations.

Please include any additional experience, and Proposer and management qualifications that are in addition to the information provided in your response.

Provide a brief description of how the Proposer's experience and submittal responds to the goals of the organization and describe how your proposed solution will be responsive to the feedback and input from our stakeholder community.

14.14 CLIENT LIST

Proposers should list other venues similar to the Facilities that the Proposer serves or has served within the past five years. Proposers should provide detailed information, e.g., name, address, and telephone number of the other venue, contact name, length of time served, nature of services provided, and annual gross revenues and corresponding attendance for the past three years as applicable.

14.15 PRODUCTS AND SERVICES OFFERED AT OTHER FACILITIES

Proposers should provide detailed information on the success of different food or beverage products and services offered at other facilities. Include a summary of product or service innovations that have enhanced revenue or reduced cost and please be specific as to the venue where these programs were employed.

14.20 AUDITED FINANCIAL STATEMENTS

These statements must be audited by an independent, Certified Public Accountant, and provided for the two most recent fiscal years of the Proposer. Additionally, they must include the opinion letter, profit and loss statement, and balance sheet.

14.21 SUSTAINABLE OPERATIONS

The Proposer shall develop a blueprint for sustainable operations at the Facilities. This shall necessarily include a strategy for implementing a program with the goal of thinking globally and acting locally. Critical elements of your program should include at a minimum the following:

- Overview
- Strategy
- Implementation Process
- Five Year Road Map
- Measurements

14.22 Approach to Innovation

The Proposer shall outline with specific examples of how they will innovate in delivering a quality, cost-effective product in all aspects of the operation.

14.23 Social Responsibility/Community Benefit

Proposers are required to provide ideas where they can effectively partner with the Corporation and Rochester area groups to become more involved in the community. The level of participation can be determined by the Proposer, but the underlying theme is that when members of our community do well, the MCC and our contractors do well. Any creative ideas are highly encouraged in order to demonstrate a Proposer's commitment to the community.

14.24 INVESTMENT

Proposers shall provide an investment proposal for capital improvements, event marketing, or any other purpose mutually agreed upon by Proposer and Corporation.

14.25 SUBCONTRACTING

Proposer shall describe in detail subcontracting arrangements that are contemplated for use in the Facilities. Moreover, please detail specifically where the subcontracted concepts will be utilized in the Facilities.

14.26 EMPLOYEE TRAINING

Proposer shall include a description of all training programs that are mandatory for employees. This requirement does not call for a copy of all training manuals but rather a brief overview of each with a corresponding table of contents.

List all applicable training programs should include Safety, Health and Sanitation, Alcoholic Beverage Service, Customer Service, and any other relevant programs utilized by the Proposer.

14.27 FINANCIAL REPORTING

Proposer is required to provide a sample of event revenue reporting that is generated either by a computer-based point of sale system or cash register system. Further, samples of monthly reporting summaries will be required that will be reflective of the system in use. Proposer will also present and propose a five-year proforma in response to the possibility of the Corporation's decision on whether to enter into a qualified management agreement or a concession agreement. Please also indicate how the proposed margins compare to other like facilities.

14.28 STAFFING PLAN

14.28.01 Organizational Structure

Proposers are required to provide an organization chart that details the reporting structure from the Regional Director of Operations down through the Facilities General Manager and the onsite management and administrative staff. This chart will necessarily include corresponding annual payroll for each position.

14.28.02 Staffing Standards

Proposer shall include a ratio of operating staff to Facilities guests. By way of example, the standard for company X is "1 server for every Y number of guests." This is to be provided for each operating position used during an event. Please use the same events listed in (d) above as a basis for providing these operating ratios.

14.29 FINANCIAL PROPOSAL – QUALIFIED MANAGEMENT AGREEMENT

The Corporation is interested in understanding the Proposer's approach to a Qualified Management Agreement. Detail your approach and strategy for this financial option. Provide your strategy with pros and cons for the Corporation to consider in your Proposal. Include any commitments in upfront capital investments or ongoing investment that you would foresee as a Proposer. See Section 3.3 for the event history as a basis. Detail your approach as well as ability to deliver margin against this kind of event mix in the building.

14.29.01 Qualified Management Agreement:

In this model, the Proposer will be paid for services and the Corporation will have more direct oversight into the fiscal performance of the food and beverage operations. In this model, the Proposer and Corporation are more like fiscal partners and share the potential risks and rewards.

14.29.02 Fees

The Proposer shall submit a Proposal for annual fees associated with operations including a detailed compensation structure and any incentive fees with a schedule of proposed benchmarks and payment structure.

14.29.03 Creativity and Innovation

The Proposer shall detail their approach to creating an innovative platform that will be successful, be unique to Rochester, and lead to differentiating Rochester with the designated target audiences.

14.29.04 Pro Forma Profit and Loss Statement

Proposers are required to submit a pro forma Profit and Loss Statement on Schedule #2. This pro forma will project the operating results for three (3) years with key assumptions.

14.29.05 Proposer is encouraged to exhibit the greatest amount of creativity in maximizing the MCC’s service levels to its customer and revenues to the Corporation. The Corporation will monitor service levels through direct interface with MCC clients.

14.29.06 INCLUSIONS WITH SUBMISSION (TO BE SUBMITTED BY PROPOSER):

- Schedule #1 – Revenue Build
- Schedule #2 – 3 Year Pro Forma
- Schedule #3 – Investment Proposal
- Schedule #4 – Management Staffing

15 SELECTION PROCESS AND EVALUATION CRITERIA

15.1 PHASE 1

There will be a two-phase evaluation and selection process. In Phase 1, Board of Directors, and its committee of evaluators, will evaluate all responsive proposals per the evaluation criteria and weights listed below. The highest scoring proposals for the MCC Management will be invited to advance and participate in Phase 2.

15.2 PHASE 2

In Phase 2, Proposers will be asked to submit a Best and Final Offer as well as participate in oral interview/presentations. The format and date of the presentation will be established at the time of short listing.

EVALUATION CRITERIA

Description	Weight	
	Phase 1	Phase 2
Partnership, Accountability, and Transparency	20%	
Experience of firm	15%	
Expertise of team assigned to project	15%	
Technical / Project Approach	10%	
Value added Products/Capabilities/Innovation	10%	
Financial Proposal incl. Management Fee, Investments, and Reporting Mechanisms	30%	
Description	Weight	
	Phase 1	Phase 2

Best and Final Offer		50%
Oral Presentations		50%
TOTAL	100%	100%

16 BEST AND FINAL OFFER (BAFO)

16.1 BAFO

A Best and Final Offer (BAFO) will be required of any finalists in Phase 2 in order to make a final decision. The BAFO will allow Proposers to revise their technical and/or financial proposals based on information received from the Corporation. The Corporation will send out the request for a BAFO with instructions addressing the areas to be covered and the date and time in which the BAFO is to be submitted. After receipt of the BAFO, scores may be adjusted based on the new information received in the BAFO.

16.2

The Corporation will request only one BAFO.

16.3

Proposers are cautioned to make best efforts in Phase 1 and not to rely on the BAFO. Therefore, Proposers should not assume that there would be an additional opportunity to amend their proposal after the original submission.

17 BASIS OF AWARD

17.1

In its sole discretion, the Corporation, through its panel of evaluators, shall recommend the award. Recommendation for award of contract shall then be made to the Proposer earning the highest Phase 2 score.

17.2

Should a selected Proposer fail to provide post award documents as required by the Corporation, the Corporation, in its sole discretion, may withdraw the award recommendation and select the next highest ranked Proposer for award.

17.3

Corporation reserves the right to accept an offer in-full, or in-part, or to reject all offers.

17.4

Recommendation for award of contract shall be made to the Proposer earning the highest score per the criteria described above.

17.5

Should the evaluation panel determine that a secondary award is required, the award will be to the second highest ranked Proposer.

18 COLLUSION

By submitting a proposal, each Proposer represents and warrants that its proposal is genuine and made in the interest of or on behalf of any person not named therein; that the Proposer has not directly induced or solicited any other person to submit a sham proposal or any other person to refrain from submitting a proposal; and that the Proposer has not in any manner sought collusion to secure any improper advantage over any other person submitting a proposal.

19 GROUNDS FOR DISQUALIFICATION

Factors such as, but not limited to, any of the following, may disqualify a proposal without further consideration:

Evidence of collusion, directly or indirectly, among Proposers in regard to the amount, terms, or conditions of this proposal.

Any attempt to improperly influence any member of the evaluation team.

Existence of any lawsuit, unresolved contractual claim, or dispute between Proposer and the Corporation.

Evidence of incorrect information submitted as part of the proposal.

Evidence of Proposer's inability to successfully complete the responsibilities and obligations of the proposal.

Proposer's default under any previous agreement with the Corporation.

20 NON-CONFORMING PROPOSAL

A proposal shall be prepared and submitted in accordance with the provisions of these RFP instructions and specifications. Any alteration, omission, addition, variance, or limitation of, from or to a proposal may be sufficient grounds for non-acceptance of the proposal, at the sole discretion of the Corporation.

21 GENERAL INFORMATION

21.1

Phase 2 finalists will be informed of the Corporation's insurance requirements that the successful Proposer will be required to maintain for the term of the agreement, as well as the Corporation's business and legal Terms and Conditions that the successful Proposer will be required to agree to.

21.2

All costs associated with responding to this request are to be owned by the Proposer.

21.3

It is the Corporation's policy that the selected firm shall not discriminate, in any way, against any person on the basis of race, sex, color, religion, religious creed, national origin, ancestry, age, gender, marital status, physical disability, mental disability, medical condition, genetic information, sexual orientation, gender expression, gender identity, military and veteran status, or ethnic background, in violation of federal, state or local law, in connection with or related to the

performance of the Corporation's contracts.

22 RIGHTS OF THE CORPORATION

This RFP does not commit the Corporation to enter into a contract, nor does it obligate the Corporation to pay for any costs incurred in preparation and submission of proposals or in anticipation of a contract. The Corporation reserves the right to:

To accept an offer in full, or in part, or to reject all offers;

Make the selection based on its sole discretion;

Reject any and all proposals;

Issue subsequent Requests for Proposals;

Postpone opening proposals for its own convenience;

Remedy errors in the Request for Proposals process;

Approve or disapprove the use of particular subcontractors or subconsultants;

Negotiate with any, all or none of the Proposers;

Accept other than the most advantageous financial offer;

Waive informalities and irregularities in the Proposals; and/or

Enter into an agreement with another Proposer in the event the originally selected Proposer defaults or fails to execute an agreement with The Corporation.

23 PUBLIC NATURE OF PROPOSAL MATERIAL

23.1

Responses to this RFP become the exclusive property of the Corporation. At such time as the Corporation awards a contract, all proposals received in response to this RFP become a matter of public record and shall be regarded as public records, with the exception of those elements in each proposal which are defined by the Proposer as business or trade secrets and plainly marked as "Confidential," "Trade Secret," or "Proprietary." The Corporation shall not in any way be liable or responsible for the disclosure of any such proposal or portions thereof, if they are not plainly marked as "Confidential," "Trade Secret," or "Proprietary," or if disclosure, in the Corporation's sole discretion, is required under the MN Data Practices Act as addressed below. Any proposal which contains language purporting to render all or significant portions of the proposal "Confidential," "Trade Secret," or "Proprietary" shall be regarded as non-responsive.

25.2

Although the MN Data Practices Act recognizes that certain confidential trade secret information may be protected from disclosure, the Corporation may determine, in its sole discretion, that the information that a Proposer submits is not a trade secret. If a request is made for information marked "Confidential," "Trade Secret," or "Proprietary," the Corporation shall provide the Proposer who submitted the information reasonable notice to allow the Proposer to seek protection from disclosure by a court of competent jurisdiction, at the Proposer's sole expense. If Proposer takes no such action after receiving the foregoing notice from the Corporation, the Corporation shall comply with the records request and is not required to defend against it.

25.3 PROTESTS

If an unsuccessful Proposer wants to dispute the award recommendation, the protest must be submitted in writing to the contact listed below no later than ten calendar days after announcement of the successful Proposer, detailing the grounds, factual basis, and providing all supporting information. Protests will not be considered for disputes of proposal requirements and specifications, which must be addressed in accordance with Section 13.

Failure to submit a timely written protest as instructed will bar consideration of the protest. The address for submitting protests is: bvonbank@experiencerochestermn.com. The Corporation has no obligation to consider any protests except to such extent, if any, as is required by applicable law.

ATTACHMENT A

Proposal Certification

Proposing Firm Name:		
Address:		
Telephone:		
E-mail:		
Contact Person Name and Title:		

PROPOSER REPRESENTATIONS

26.1.02 Proposer did not, in any way, collude, conspire or agree, directly or indirectly, with any person, firm, corporation or other Proposer in regard to the amount, terms, or conditions of this proposal.

26.1.03 Proposer additionally certifies that neither Proposer nor its principals are presently disbarred, suspended, proposed for disbarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, any Rochester State agency, or any local governmental agency.

26.1.04 Proposer acknowledges that all requests for deviations, exceptions, and approved equals are enclosed herein and that only those deviations, exceptions, and approved equals included in the RFP document or permitted by formal addenda are accepted by the Corporation.

- 26.1.05 Proposer did not receive unauthorized information from any Corporation staff member or Corporation's Consultant during the Proposal period except as provided for in the Request for Proposals package, formal addenda issued by the Corporation, or the pre-proposal conference.
- 26.1.06 As suppliers of goods or services to the Corporation, Proposer, and individuals listed below certify that they do not discriminate in employment of any person because of race, color, gender, age, religion, disability, national origin, ancestry, sexual orientation, housing status, marital status, or familial status; and that they are in compliance with all Federal, State, and Local laws, Directives, and Executive Orders regarding nondiscrimination in employment.
- 26.1.07 Proposer hereby certifies that the information contained in the proposal and all accompanying documents is true and correct.

26.1.08 Please check the appropriate box below:

If the proposal is submitted by an individual, it shall be signed by him or her, and if he or she is doing business under a fictitious name, the proposal shall so state.

If the proposal is submitted by a partnership, the full names and addresses of all members and the address of the partnership, shall be stated and the proposal shall be signed for all members by one or more members thereof.

If the proposal is submitted by a Corporation, it shall be signed in the corporate name by an authorized officer or officers.

If the proposal is submitted by a Limited Liability Company, it shall be signed in the corporate name by an authorized officer or officers.

If the proposal is submitted by a joint venture, the full names and addresses of all members of the joint venture shall be stated and it shall be signed by each individual.

By signing below, the submission of a proposal with all accompanying documents shall be deemed a representation and certification by the Proposer that they have investigated all aspects of the RFP, that they are aware of the applicable facts pertaining to the RFP process, its procedures and requirements, and that they have read and understand the RFP.

Authorized Representative Name (sign name):	
Authorized Representative Signature (print name):	
Authorized Representative Title (print title):	
Complete additional signatures below as required per # 6 above	
Authorized Representative Name (sign name):	
Authorized Representative Signature (print name):	
Authorized Representative Title (print title):	
Complete additional signatures below as required per # 6 above	
Authorized Representative Name (sign name):	
Authorized Representative Signature (print name):	
Authorized Representative Title (print title):	