

Request for Qualifications (“RFQ”)

Manatee County Port Authority

Concession Advisor Services

1. SCOPE OF WORK

1.1 General

The Manatee County Port Authority (“the Authority”) is evaluating the merits of a long-term lease, concession or other public-private partnership (P3) agreement for the development and expansion of Port Manatee, including the South Port facility. The Authority is desirous of developing Port Manatee in a manner consistent with the Port Authority’s Master Plan 2009.

The Authority is seeking to initially develop the South Port area which currently consists of a 1,000 foot berth (“Berth 12”) constructed in 2003. The South Port also includes approximately 52 acres adjacent to this berth that can be developed as a container or other use terminal. Permitting and design has been completed for the dredging and for the initial development of a container terminal, which constitutes approximately 30 of the 52 acres and includes a berth extension to a total of approximately 1,600 feet of pierhead.

The Authority directs all inquirers to this Concession Advisor Services RFQ who seek additional information on the Authority, the Port Manatee Master Plan 2009, and the South Port facility and related current and anticipated Port activities to review the Port Manatee website: www.portmanatee.com.

The purpose of this RFQ is to solicit firms (“Bidders”) with financial and business advisory capabilities consistent with the descriptions contained in this RFQ, to assist the Authority and its other advisors in the assessment and possible development and procurement of a long term lease, concession or other public-private partnership agreement. The Authority intends to select one or more Bidders to serve as its Concession Advisor(s) (“Advisor”).

The Advisor will provide consulting services to the Authority to assist the Authority in determining whether the Authority should proceed with a concessionaire or other process for Port Manatee’s expansion and development, including within the South Port area. If the Authority determines it is in the best interest to proceed with a concessionaire, then the Advisor will assist the Authority in the development of a Request for Proposal for a concessionaire. It will also consider the nature of any transaction that may be

contemplated as well as the potential solicitation process. The successful RFQ responder chosen by the Authority will be asked to negotiate a contract in a form and with provisions acceptable to the Authority.

The terms of the agreement between the Advisor and the Authority will separate out the costs for the Evaluation of Concessionaire Services set forth in Section 1.3.1, and the estimated costs associated with providing the services for the Solicitation of Suitable Concessionaire and Implementation services set forth in Section 1.3.2.

Once a contract is entered into by the parties, the Advisor shall immediately begin work providing the services provided for in Section 1.3.1.

Within 60-90 days of entering a contract between the Authority and the Advisor for consulting services, and following the Authority's receipt of the Advisor's report relating to concessionaire services for the future Port Manatee expansion and the South Port area, the Authority shall decide whether the Authority desires to proceed with a formal public-private partnership concession solicitation process as provided for in Section 1.3.2. If the Authority chooses to proceed with the pursuit of a formal public-private partnership solicitation, the Advisor shall provide consulting services for the development of a request for proposal for concessionaire services that meets the needs and anticipated development of the Port area. Following the decision by the Authority to proceed with the solicitation, the Authority and Advisor shall enter into a negotiated contract for the Advisor's consulting services as provided for in Section 1.3.2. If the Authority does not proceed with a request for proposal for concessionaire services, no further services would be required of the selected Advisor.

At all times relevant, the successful responder will work directly with the Port Director and Authority staff and will receive major policy direction from the Authority. The successful responder may also be requested to work closely with the Manatee County Administrator or designee, the Manatee County Clerk of Court's office, the Authority's legal counsel and the Authority's other advisors during all phases of the services.

1.2 Current Status

The Authority's team (Port Authority members, Authority staff, the Manatee County Administrator or designee, the Manatee County Clerk of Courts office, current and future clients, partners and outside advisors) is actively exploring whether the current port authority operating model remains a viable and sustainable long-term approach or whether the Authority's objectives can better be met by a shift in direction to a long term lease, concession or other form of public-private partnership. The Advisor will be a critical addition to this team and will be expected to provide knowledge and experience as to whether the concessionaire operation model for the South Port or the entirety of Port Manatee or both will be beneficial to the long term economic success of Port Manatee.

The Authority's objectives regarding the future use of the Port include but are not limited to:

- Generating and then stabilizing revenues to the Authority;
- Stabilizing and improving access to markets by local and regional shipping companies;
- Increasing container and other business volumes while maximizing facility utilization;
- Insuring future capital funding can be available to fuel future growth;
- Maintaining an environmentally sustainable, safe and secure Port.

1.3 Scope of Services

The Advisor will be a key member of the Authority team in assisting with the assessment of the merits of various financial structures, helping the Authority develop the optimal business model and financial structure as well as assist in the development of the financial aspects of the procurement documents and contract. The Advisor should be able to demonstrate broad experience with various project financing methods for maritime port or other transportation infrastructure projects. The Advisor must demonstrate the knowledge and use of detailed financial analysis tools and will be expected to provide advice in the structuring, analysis, evaluation, documentation and development of the long term lease, concession or public-private partnership delivery option.

The services listed below shall be considered within the scope of the proposed assignment:

1.3.1 Evaluation of Concessionaire Services

- Update the Authority on current practices and structures being used in the public-private partnership arena
- Advise the Authority on preliminary valuations of varying sale, lease, concession and/or other arrangements for the South Port (Berth 12) area and for the entire Port Manatee expansion (as shown in the Port Manatee Master Plan 2009)
- Provide analysis and advice to the Authority's team with respect to concession issues such as concession structure, market timing, rate of return, and concession period that will maximize the Authority's financial and other objectives
- Provide creative suggestions considering Port Manatee's future expansion as shown in the Port Manatee Master Plan 2009
- Develop one or more financial models for various alternative business and financial arrangements
- Develop a financial model that assesses the impact of the selected business and financial arrangement(s) for the South Port (Berth 12) area and for future Port Manatee expansion, and how this could impact overall Port Manatee finances and operations

- Assess and provide advice on expected capital structure(s) to be utilized by potential public-private partners
- Prepare a written report setting forth the advantages and disadvantages of using a concessionaire for the South Port area and for the entire Port Manatee expansion, and providing a recommendation to the Authority regarding use of a concessionaire at Port Manatee

1.3.2 Solicitation of Suitable Concessionaire and Implementation –

- Provide general advice to the Authority members, employees and representatives of Port Manatee and Manatee County, during the Request for Proposal process
- Assist the Authority and other advisors with developing financial evaluation criteria and bidding submission requirements for the development of a Concessionaire Request for Proposal for the South Port area and the Port Manatee expansion area as shown in Port Manatee Master Plan 2009
- Serve as the primary point of contact for all communications with interested bidders during the Request for Proposal process and serve as the recipient of all Request for Proposal submittals
- Provide a report to the Authority setting forth the Advisor’s analysis, evaluation and recommendations on the responses to the Request for Proposal
- Provide advice during the selection process with respect to the monetary value of the proposals, the financing options set forth in the proposals and the relative impact of those options on value to the Authority
- Provide assistance in the evaluation and ranking of at a minimum the top three (3) responses to the Concessionaire Request for Proposals considering factors that include the broader public policy objectives
- Provide advice to the Authority on the presentations from the invited top responders to the Concessionaire Request for Proposal
- Assist in conducting due-diligence investigations of the concessionaires responding to the Request for Proposal
- Assist the Authority, the Manatee County Administrator or designee, the Manatee County Clerk, and the Authority’s legal advisors in connection with the negotiations of the terms of the concessionaire contract, any agreed-upon arrangements between the concessionaire and the Authority
- Assist the Authority, the Manatee County Administrator or designee, the Manatee County Clerk, and the Authority’s legal advisors in addressing any financial issues and risks associated with such concessionaire contracts including insurance and performance bonding considerations
- Assist, as necessary, in the closing of the financial arrangement between the concessionaire and the Authority
- Assist the Authority with transition planning and development of appropriate financial oversight procedures to administer the agreed-upon arrangements after financial close
- Develop, prepare, and present financial briefing materials and reports as necessary to the Authority, and any other oversight bodies or rating agencies

2. PROPOSAL PROCESS

2.1 General

2.1.1 Evaluation

Proposals will be evaluated by an evaluation team selected by the Authority, which may include external Port Consultant(s). The evaluation team shall select and rank at a minimum the top three (3) responsive proposals from Bidders. The evaluation team's selection and ranking of responsive Bidder's submittals shall be performed in accordance with Florida's Sunshine Law, Chapter 286, Florida Statutes. The evaluation team will utilize the Evaluation Criteria provided for in Section 4.2 herein, and may request additional information from the Bidders including but not limited to: oral presentations and discussions, site visits, interviews, and inquiries into the experience and responsibility of the Bidder. The Authority's evaluation team reserves the right to conduct any or all of the above activities at any time following receipt of proposals and initial evaluation, and reserves the right to recommend the rejection of all proposals by the Authority. The evaluation team's recommendation of, at a minimum, the top three (3) responsive proposals will be transmitted to the Port Director and Manatee County Administrator or their respective designees. The top ranked responsive proposals will be invited to make a 15 minute presentation to the Port Authority. The top ranked responsive bidders shall make their respective presentations to the Port Authority at a publicly noticed meeting in reverse order of ranking. Notwithstanding the foregoing, the Authority, acting as a deliberative governing body, retains the authority to request oral presentations and discussions, site visits, interviews, and inquiries of the Bidders. Additionally, the Authority retains final authority to approve or reject the selection of an Advisor. The Authority will post its selection of the Advisor through notification on the Authority's web site. Following the selection of the Advisor by the Authority, a contract shall be negotiated between the Authority and the Advisor for the scope of work set forth in Section 3.1.1. In the event the Authority elects to proceed with the scope of work set forth in Section 3.1.2, a separate contract shall be negotiated between the Authority and the Advisor for these consulting services.

2.1.2 Obligation to Award

The issuance of this RFQ, and the receipt and evaluation of proposals does not obligate the Authority to negotiate or award a contract, or proceed with any work described above. The Authority will not pay any costs incurred by Bidders in responding to this RFQ. The Authority reserves the right to reject all bids and submittals, and may cancel this RFQ without liability at any time prior to the Authority's execution of a contract.

2.1.3 Commencement of Work

Time is of the essence and the Advisor will begin work immediately upon execution of a contract with the Authority. Initially, the Advisor will contract to perform the work generally listed in Section 1.3.1. However, the scope of work may be modified by the evaluation team and/or the Authority. The Advisor will be expected to generate a written report and recommendation to the Authority no later than 90 days from the date of the

contract between the Advisor and Authority for the services requested in Section 1.3.1. At its sole discretion, the Authority may extend the deadlines for delivery of the written report and recommendation. A subsequent contract relating to the services set forth in Section 1.3.2 shall be negotiated between the Advisor and the Authority, following the Authority's decision to proceed with that scope of work.

2.1.4 Questions

No oral interpretations will be made to any Bidders as to the meaning of specifications or any other contract documents. All questions or comments pertaining to this RFQ must be directed, in writing only, to Teresa Daugherty at tdaugherty@portmanatee.com. The Authority reserves the right to amend or to add to the names listed as persons to contact. Questions received later than five (5) days prior to the deadline for receipt of proposals may not be considered. Questions and the Authority's responses will be posted on the Port's website and shall be handled as an addendum if the response would provide clarification to the requirements of the proposal. All such addenda shall become part of the contract documents. All questions will be listed anonymously.

2.1.5 Amend or Withdraw Proposal

Bidders may amend or withdraw their proposal any time prior to the time and date established for submission of proposals upon a written request from an authorized agent or representative of the Bidder's organization.

2.1.6 Reserved Rights

The Authority reserves the right to accept or reject any and/or all proposals, to waive irregularities and technicalities, and to request resubmissions. The Authority reserves the right to award the contract to a responsible Bidder submitting a responsive proposal, with a resulting negotiated agreement which is most advantageous and in the best interest of the Authority. The Authority's governing body shall be the final judge of the proposal and whether the resulting negotiated agreement is in the best interest of the Authority, and the decision of the Authority shall be final. The Authority reserves the right to make any investigations it deems necessary to determine the ability of any proposer to perform the work or services requested.

2.1.7 Applicable Laws

The Bidder must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida will apply to any resulting agreement between the Authority and the successful Bidder.

2.2 Anti-Lobbying and Collusion

After the issuance of this RFQ, prospective Bidders, proposers or any agent, representative or person acting at the request of such Bidder or proposer shall not contact, communicate with or discuss any matter relating in any way to the RFQ with any officer, agency, employee or elected officials of the Manatee County Port Authority, Manatee County, or the Manatee County Clerk of the Court except as directed in this RFQ. This prohibition begins with the issuance of any RFQ and ends upon the execution of the final contract, or when the request has been cancelled, or when all bids have been rejected. Violations of this provision may cause the RFQ, bid or contract to be rejected.

By offering a submission to this RFQ, the prospective Bidder certifies the Bidder has not divulged to, discussed or compared his or her proposal with other Bidders and has not colluded with any other prospective Bidder or parties to this Request for Qualifications whatsoever.

2.3 Public Disclosure of Proposals

Any information provided to the Authority pursuant to this RFP is subject to public disclosure pursuant to applicable Florida law. Any presentations by Bidders to the Evaluation Team or the Authority shall occur at public meetings as provided for in Chapter 286, Florida Statutes. Additionally, all submittals by Bidders shall be subject to Florida's Public Records Laws, Chapter 119, Florida Statutes. The successful Bidder will be expected to be familiar with all applicable Florida laws, including Chapters 119 and 286, Florida Statutes.

2.4 Submission of Proposals

2.4.1 Requirements

Each Bidder's submission in response to this RFQ must:

2.4.1.1 Include **one (1) original** (marked as such) and **TEN (10) copies** of the original proposal.

2.4.1.2 Be submitted in a sealed envelope that is plainly marked "RFQ to provide Concession Advisory Services" and that bears the Bidder's name, address and phone number.

2.4.1.3 Be delivered to the Authority not later than **4:00 PM EST on September 15, 2010**. The Authority, at its option, may decline to consider late submissions.

2.4.2 Timetable

The Authority anticipates making a decision regarding the successful choice of an Advisor on **September 28, 2010** so that the Advisor and Authority representatives can commence negotiation of a contract for the work set forth in Section 1.3.1. The Advisor shall commence the work set forth in Section 1.3.1, herein immediately after the execution of the contract by the Authority. However, the Authority reserves the right to delay its decision. As mentioned above, a contract for the work set forth in Section 1.3.2 shall be negotiated following the Authority's decision to proceed with this scope of work.

3. PROPOSAL CONTENT

3.1 Preparation

Proposals should be prepared simply and economically, providing a straightforward, concise description of the Bidder's ability to satisfy the requirements of this RFQ with respect to the work set forth in Sections 1.3.1 and 1.3.2. Submissions of technical literature, display charts, or other supplemental materials are the responsibility of, and within the discretion of, the Bidder. The Authority will not be liable for any expense incurred in the preparation of proposals.

Bidders are encouraged to provide complete information in their written proposals. However, except as provided otherwise below, a proposal response shall be in a font size no smaller than 10 points and shall not exceed 25 pages, including pictures or diagrams. Each side of a sheet of paper is considered one page. Double-sided printing of the hard copy is encouraged. Pages should be numbered consecutively and fastened in the upper left-hand corner only. There should be no other bindings, such as comb-binders, presentation folders, 3-ring binders, etc. If a Bidder's submission exceeds the page limit, the Authority will consider the information on the first 25 pages, and may decline to consider information beyond the 25th page.

3.2 Format

Proposals shall be written in English and conform to the following format:

3.2.1 Proposal Form

The proposal form must follow the required submission elements noted below in 3.2.2.1 of this section of the RFQ. All areas must be addressed in the submittal.

3.2.2 - Required Submissions

Provide clear, concise information related to the following. Your submission should

correspond to the order provided below, including use of these same headings.

3.2.2.1 Public Private Partnership and Concession Experience

- A. Outline your firm's experience since January 1, 2000 in assisting clients with implementing public-private partnership and long-term lease/concession agreements for government agencies in the United States similar to that contemplated by the Authority. For each named project, provide a brief description of the project, include client references with contact information and describe your firm's specific role on such project and the amount of its contract.
- B. Please include your firm's experience with the items suggested in the Scope of Services Sections 1.3 - 1.3.2 above;
- C. Provide other relevant experience, if any, not mentioned above. For each named project, provide a brief description of the project, include client references with contact information and describe your firm's specific role on such project and the amount of its contract;
- D. Provide a list of transactions similar to those contemplated by the Authority, on which assigned personnel have worked; and
- E. Provide up to five brief case studies (no more than one page for each) for projects your firm views as relevant or comparable to a potential South Port expansion project and future Port Manatee expansion ("Project"). Please provide contact information for the primary contact associated with each case study. *This information should be provided in an Appendix and will not count against the 25 page response limitation.*

3.2.2.2 Team Experience

- A. Outline the structure of your team and identify the roles of the various team members. Indicate the person who will have overall responsibility for the assignment and the persons responsible for the day-to-day effort. Provide brief resumes of the individual members in an Appendix specifically highlighting their experience with public-private partnerships and concessions for transportation infrastructure, including port, container and related maritime projects. *Resume information provided in the Appendix will not be counted against the 25 page response limitation.*
- B. Verify in the form of a statement that the proposed team individuals are currently employed by either the prime consultant or sub-consultant and are available to perform the services required under this RFQ.
- C. Describe the capacity of your staff and their ability to perform the work in a timely manner, relative to present workload, and the availability of the assigned staff to immediately participate with the Authority team if selected.

3.2.2.3 Strategic Questions

State of the Industry:

- A. Describe the current state of privatization in the U.S. and international port industry and other economic factors in the marine industry that are relevant to this engagement.
- B. As a public agency, the Authority has financial, expansion and development objectives for the South Port and future Port Manatee expansion. Please describe how a solicitation process can accommodate the varying objectives the Authority may consider.
- C. Describe the likely classes of investors, terminal operators and other interested parties (ocean carriers) in achieving the potential Project, and how to best structure a process to encourage participation from a wide range of private entities.

Policy Issues:

- D. Discuss the policy issues that you think the Authority should consider before determining whether to proceed with a public-private partnership/concession approach.
- E. Discuss how your team will work with the Authority to provide alternative approaches for consideration.

3.2.2.4 Project Approach

- A. Provide a description of your approach to achieving the development objectives for the South Port and future Port Manatee expansion and the critical Advisor role. This should include consideration of cost containment practices, innovative ideas and any other relevant information concerning your firm's qualifications for the Advisor role. Describe the approach your firm would take to maximize the value of the Project.
- B. Describe how the Advisor team will effectively and efficiently communicate and coordinate with the Authority, its staff, and work as a team with Port staff, the Manatee County Administrator or designee, the Manatee County Clerk's office, the Authority's technical advisors, other financial advisors and legal advisors. Describe those methods and approaches that your firm has developed and implemented that have been successful in fostering good, integrated project teams.
- C. Identify the key factors and ingredients of success for a public-private partnership project and how the Advisor can support, facilitate and foster such success.
- D. Provide an action plan outlining your approach to planning, staffing, scheduling and implementation of the work. The action plan must be accompanied by an assessment of resources needed to complete the work and a commitment to

- providing the necessary resources.
- E. Provide information on the Advisor’s hourly rates, estimated hours per task, and basis for compensation.

3.2.2.5 Conflict of Interest

A potential public-private partnership procurement will be a significant undertaking for the Authority and for the local community. In connection with such a transaction, the Authority is particularly sensitive to actual and potential conflicts of interest arising on behalf of Port staff and/or its consultants. It is anticipated that the Advisor contract will include provisions addressing potential and actual conflicts of interest.

The successful Bidder that becomes the Advisor shall not be permitted to have any business or financial interest in any aspect of future growth at Port Manatee including the South Port Project, Port Manatee expansion, or its outcome other than its work for the Authority as the Advisor. As part of this prohibition, neither the Advisor, nor any of its affiliates, parents or subsidiaries, may participate in the Project on behalf of any potential or actual private sector proposer or proposer team. “Participation” includes, without limitation, working for, providing services to, advising, assisting, modeling for, valuing for, structuring a proposal for, providing or arranging financing for or investing in a private sector proposer or proposer team.

In addition to the foregoing, in order to assist the Authority in assessing actual or potential conflicts of interest, please provide the following information for your firm, its affiliates, parents and subsidiaries, based on reasonable due diligence:

- (a) Business, consulting and financial relationships in the past 3 years with (i) ocean carrier companies, (ii) port/terminal operators or (iii) entities that regularly invest in ports or ocean carrier companies or port/terminal operators.
- (b) Instances where your firm, in the past 3 years, has invested itself or managed a fund or other investment vehicle that has invested in ocean carrier companies, port/terminal operators or port assets.
- (c) Instances where your firm, in the past 3 years, has arranged or provided financing or refinancing for an ocean carrier company, port/terminal operator or on the “private-sector” side in connection with port assets.
- (d) For each instance, matter or relationship identified in clauses (a)-(c), indicate whether (i) the instance, matter or relationship is ongoing/current or completed; and (ii) the personnel proposed by proposer in this proposal were involved with such instance, matter or relationship and, if so, describe in what capacity.

Nothing in the foregoing provisions shall require disclosure of any relationship or information that your firm, its affiliates, parents or subsidiaries, has contractually or otherwise agreed will be kept confidential.

Bidders are advised that listing the above information and/or a potential or actual

conflict of interest will not necessarily preclude the Bidder from consideration for Advisor. The Authority may consider several approaches to address potential or actual conflicts of interest, including the establishment of ethical separations.

Please disclose any conflicts your firm has in relation to this assignment in an Appendix. The response to this section will not be counted against the 25 page response limitation.

3.2.2.6 Regulatory

Identify whether your firm has been or is currently involved in any litigation, investigation, or settlement agreement with any current or former public sector clients during the past three years. If so, please describe the nature and current status of the issues in dispute and provide a client name and contact information. Please state if your firm is currently under any regulatory investigation which would impact this assignment.

3.2.2.7 Deviation from Requirements

State where and how the proposal deviates from the general requirements of the RFQ.

3.2.3 Fee Schedule

Recognizing that the Authority may ultimately determine not to proceed with the scope of work set forth in Sections 1.3.1 and 1.3.2, please provide a quote for your fees and expenses and the basis upon which your compensation will be determined. **The costs associated with the scope of work for Sections 1.3.1 and 1.3.2 should be quoted separately.** To the extent that the Authority chooses to proceed with the work and services described in Sections 1.3.1 and 1.3.2 of this RFQ, it is the intent of the Authority to hire the same Advisor for both phases.

4. EVALUATION CRITERIA

4.1 Evaluation Procedures

Evaluation factors shall include the demonstrated ability of the Bidder to efficiently perform the Scope of Services as generally outline in Sections 1.3.1 and 1.3.2. of this RFQ. The Authority will be seeking to identify the Bidder that has best approach and experience with concessionaires and that will provide the best benefits to the Authority.

4.1.1 Competitive Range

The evaluation team will determine which proposals are within the competitive range in accordance with the evaluation criteria set forth below and will select the top three (3) proposals for the consideration by the Authority. Only those proposals determined to be

within the competitive range will be considered for award.

4.1.2 Evaluation Team Members

One or more evaluation team members may conduct an initial evaluation of all proposals, using the evaluation criteria specified below. They may at their sole discretion identify a subset of proposals as finalists for further evaluation by the evaluation team. A report of final evaluation results and any recommendation regarding award of a contract will be made to the Chairman and Port Director of the Authority for ultimate approval by the Authority.

4.1.3 Interviews

Selected Bidders may be invited to participate in the interview stage with the evaluation team and/or the Authority during the evaluation process. Bidders should be prepared to respond to questions related specifically to their proposals and other pertinent matters with respect to the RFQ. Bidders are advised that interviews will be conducted in accordance with Florida's Sunshine Laws, Chapter 286, Florida Statutes.

4.2 Criteria

Proposals will be evaluated by the Authority's evaluation team based upon the follow:

Criteria
Project manager/project team experience to include but may not be limited to: <ul style="list-style-type: none">• Ability of project manager and key staff to manage and implement the project based on experience in projects of similar size, complexity and type
Firm Qualifications to include but may not be limited to: <ul style="list-style-type: none">• Demonstrated qualifications and experience in comparable roles/projects• Technical expertise and unique resources that yield a relevant added value or efficiency to the required services
Project Approach , to include but may not be limited to: <ul style="list-style-type: none">• Approach to the Project, including an understanding and innovation that will provide the Authority with a higher degree of certainty of project success
Compensation Structure - reasonableness of cost proposal

4.3 Selection For Negotiation

The Bidder whose proposal is determined to be the best proposal that is most advantageous to the Authority, taking into consideration the Criteria structure set forth in Section 4.1 of this RFQ, shall be selected to negotiate an agreement with the Authority. The selection of a Bidder for negotiation shall not be construed as vesting any contractual or other rights of any nature in the Bidder.

4.4 Award

The award to a successful Bidder is subject to successful negotiation of an agreement covering the services and rates. A vote of the Manatee County Port Authority to approve and authorize execution of an agreement document is required before the award can be considered final.

5. GENERAL CONDITIONS

5.1. Equal Employment Opportunity

The Authority hereby notifies all prospective Bidders, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 and the Regulations of the Department of Commerce (15 CFR, Part 8) issued pursuant to such Act, that it will affirmatively ensure that any contract entered into pursuant to this advertisement, women or minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated agents on the grounds of race, color, creed, sex, age or national origin in consideration of an award.

5.2 Americans with Disabilities Act

The Authority does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Authority's functions including one's access to, participation, employment or treatment in its programs or activities. Anyone requiring reasonable accommodation for the public meetings associated with the RFQ process, should contact Teresa Daugherty at (941) 722-6621 or tdaugherty@portmanatee.com at least twenty four (24) hours in advance of the activity to request accommodations.

5.3 Public Entity Crimes

In accordance with Section 287.133, Florida Statutes, a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a proposal on a contract to provide any goods or services to a public entity, may not submit a proposal on a contract with a public entity for the for the construction or repair of a public building or public work, may not submit proposals on leases or real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017 for Category Two for a period of 36 months following the date of being placed on the convicted vendor list.

5.4 Non-Exclusive Contract

Award of this bid shall impose no obligation on the Authority to utilize the Advisor for all work of the type and scope which may develop during the term of a negotiated contract. Nothing herein shall be construed as providing the successful Bidder with an exclusive contract to perform the Advisor services set forth in the Scope of Work set forth in Section 1.3 through 1.3.2. The Authority specifically reserves the right to concurrently contract with other companies for similar work if it deems such action to be in the Authority's best interest. In the case of multiple contracts negotiated under this RFQ, this provision shall apply to each contract.

5.5 Local Preference

If all responding Bidders are found to be equal in all qualifications, the Authority may elect to award the bid to a responsible local business Bidder over a responsible non-local Bidder. Local business is defined as business legally authorized to engage in the sale of the goods and/or services to be procure, and which certifies within its bid that for at least six (6) months prior to the announcement of the solicitation of bids it has maintained a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one full-time employee at that location.

5.6 Bid Protest Procedure

Any person, corporation, firm, partnership or other business that responds to this RFQ and objects to the selection of the successful Bidder by the Authority may have the right to protest the selection process. To the extent a bid protest is pursued by an unsuccessful Bidder, all bid protests shall follow the procedures set forth in Section 7-22, Chapter 7 (Purchasing) of the Manatee County Port Authority Policies.

5.6 Security

The Advisor selected under this RFQ shall be expected to comply with and observe all minimum standards, procedures and requirements imposed by federal, state and local laws and regulations in connection with the security of Port Manatee as a seaport.