

REQUEST FOR PROPOSALS
FOR
AGREEMENT TO PROVIDE BEVERAGE &
SNACK VENDING MACHINES
(02000)



CITY OF SACRAMENTO
OFFICE OF THE CITY MANAGER

PROPOSAL DEADLINE:

TUESDAY, JANUARY 10, 2012

By 4:00 PM (Pacific Standard Time)

TABLE OF CONTENTS

SECTION	PAGE
1 REQUEST FOR PROPOSALS	4
1.1 PROPOSAL.....	4
1.2 BACKGROUND.....	4
1.3 SCOPE OF SERVICES.....	5
1.4 TECHNICAL QUESTIONS.....	7
1.5 PRE-PROPOSAL CONFERENCE CALL.....	8
1.6 EVALUATION CRITERIA.....	8
1.7 SELECTION PROCESS	9
1.8 ADDENDUMS	10
1.9 NOTABLE DATES.....	10
1.10 CHECKLIST	10
2 PROPOSAL SUBMITTAL REQUIREMENTS	11
2.1 PROPOSAL LETTER.....	11
2.2 QUALIFICATIONS AND EXPERIENCE	11
2.3 STAFFING INFORMATION	12
2.4 SCOPE OF SERVICES.....	12
2.5 PRICING INFORMATION	12
2.6 REFERENCES.....	12
2.7 CONFLICT OF INTEREST.....	12
2.8 INSURANCE COVERAGE.....	13
2.9 ESBP PARTICIPATION	13
3 GENERAL INFORMATION	15
3.1 CITY TERMS AND CONDITIONS	15
3.2 PRICING	15
3.3 CONSORTIUM PROPOSALS.....	15
3.4 LATE SUBMITTAL	16
3.5 MODIFICATION OR WITHDRAWAL OF SUBMITTAL.....	16
3.6 OWNERSHIP OF SUBMITTALS.....	16
3.7 CALIFORNIA PUBLIC RECORDS ACT REQUESTS.....	16
3.8 INCURRED COSTS	17
3.9 NON-COMMITMENT OF CITY	17
3.10 MATERIALS PROVIDED BY CITY	17
3.11 EMERGING AND SMALL BUSINESS DEVELOPMENT PROGRAM	17

3.12 CITY AGREEMENT	17
3.13 BOYCOTT OF ARIZONA-HEADQUARTERED BUSINESSES	18

ATTACHMENTS

1. COMPANY INFORMATION.....	19
2. PROPOSAL SIGNATURE FORM.....	20
3. CLIENT REFERENCES.....	21
4. SMALL BUSINESS/EMERGING SMALL BUSINESS CERTIFICATION	22
5. IDENTIFY STATE WHERE BIDDER IS HEADQUARTERED	24
6. CITY AGREEMENT PROVISIONS.....	25
7. CITY OF SACRAMENTO VENDING MACHINE NUTRITION POLICY.....	27
8. CURRENT CITY VENDING LOCATIONS	28

1 REQUEST FOR PROPOSALS

The City of Sacramento is seeking proposals for vending products and services from vending machine operators. The awarded Contractor(s) shall enjoy "Territory Exclusivity" to provide beverage and snack vending machines at various City operated facilities, in accordance with the City's Vending Machine Nutrition Policy. The Contractor(s) shall pay the City commission for all products sold through the machines. If the Contractor(s) chooses not to place a machine at a City facility, the City reserves the right to contract with another vendor.

1.1 **PROPOSAL**

Firms responding to this RFP shall submit entire proposal in PDF format on one CD-ROM labeled with the company name. Proposals must be submitted in accordance with the Submittal Requirements noted in Section 2 of this RFP no later than **Tuesday, Jan. 10, 2011 by 4:00PM (Pacific Standard Time)** to:

City of Sacramento
City Clerk's Office
915 I Street
Sacramento, CA 95814
Attn. Vending Services RFP

1.2 **BACKGROUND**

The City of Sacramento is a full-service agency with a population of 466,488 and approximately 4,000 employees. For the past eleven years, the City has provided a single vendor the right to provide beverage vending machine services to the City, and that vendor contracted with a third party to provide snack vending machines.

Currently, there are approximately 50 refrigerated beverage and approximately 20 snack vending machines located at City operated facilities. Prior quarter beverage commissions totaled approximately \$5,000 based on the following commissions structure:

Vending 20 oz. bottle	\$11.77 net per case or 39 percent (%) of vend price, whichever is greater
Vending 12 oz. can	\$ 7.53 net per case or 42 percent (%) of vend price, whichever is greater

The City does not have information related to snack sales figures.

On November 7, 2011, the Sacramento City Council approved a Vending Machine Nutrition Policy (see Attachment 7) that requires at least 50 percent of snack and beverage products available for sale in machines meet nutrition standards to ensure employees and residents have healthy choices. The Contractor will be required to adhere

to the City’s Vending Machine Nutrition Policy. The policy will be implemented upon award of a new citywide vending machine agreement.

More information about the City may be accessed at the City’s website: www.cityofsacramento.org.

1.3 SCOPE OF WORK

The City of Sacramento will grant to the successful Contractor(s) the exclusive right to offer beverage and snack vending machine services at City operated facilities (see Attachment 8 for current list of facilities). Specifically excluded facilities include the Sacramento Zoo, Fairytale Town, Sacramento Convention Center complex (including Memorial Auditorium and Community Center Theater), some Community Centers, and City golf courses.

Respondents shall provide proposals for a three-year term with sales commissions payable to the City. The City does not guarantee any minimum number of machines or sales volumes.

Respondents are required to use the following table and provide a commission rate for both snacks and beverages. The table requires Respondents to provide commission rates under two scenarios: equipment with and equipment without credit/debit card functionality (if applicable).

	Snack Commission Rate	Beverage Commission Rate
Equipment does not include credit/debit card functionality		
Equipment includes credit/debit card functionality		

Respondents are also encouraged to identify in their proposal whether their equipment includes wireless remote monitoring and whether inclusion of wireless remote monitoring influences commission rates.

A. SERVICES

1. Contractor(s)’ responsibilities shall include, but not be limited to:
 - Supplying and installing vending machines and related equipment;
 - Upkeep of equipment so that it remains fully functional;
 - Supplying products that meet the requirements of the City’s Vending Machine Nutrition Policy;
 - Keeping machines stocked regularly;
 - Collecting funds from machines.
2. Contractor(s) shall be responsible for obtaining all licenses, permits and governmental permissions. Contractor shall take into consideration and comply

with all current federal, state and local laws, statues and guidelines including, but not limited to, the California Uniform Retail Food Facilities Law, Health and Safety Code Sections 113700 et seq.

3. Contractor(s) shall keep machines continuously stocked with fresh items that have not exceeded their indicated expiration date.
4. Contractor(s) shall include a proposal for responding to calls for service and refund policy for lost monies.
5. Contractor(s) will only have access to buildings during normal working hours for each location serviced.

B. EQUIPMENT

1. Include a color photo or brochure and specifications for all machines referenced in your proposal.
2. Machines shall be new or in like new condition and be manufactured after January 1, 2008 and meet Tier II Energy Star certification requirements
3. Contractor(s) shall provide machines that comply with all accessibility requirements established by local, state and federal guidelines.
4. All snack machines shall be front loading.
5. All machines shall accept one and five dollar bills, and make change.
6. Proposals shall include a cashless payment option (minimum of debit and credit cards).
7. All machines shall display the Contractor(s) name and a local service telephone number for reporting vending machine malfunctions. In addition, each vending machine shall have a serial or identification number that is visible and easily located.
8. Installation, service, security and removal of vending machines and related equipment shall be the sole responsibility of the successful Contractor(s) at no additional cost to the City.
9. Contractor(s) shall receive written permission from the City to remove and/or add additional equipment at City operated facilities (Exception: machines may be exchanged for like machines).
10. The City does not guarantee the prevention of any loss to the vendor due to vandalism or forcible entry and will not be responsible for the loss of cash, products, and cost of repairs or replacement products.
11. Contractor at its sole expense shall be responsible for cleaning all machines and ensuring clean machines.

C. OTHER

1. If machines and/or display panels are designed to market a specific product, the design shall feature products that meet the nutritional standards of the City's Vending Machine Nutrition Policy.

2. Products meeting the City's Vending Machine Nutrition Policy nutritional standards shall be marked with a distinctive label or otherwise noted to inform customers the products meet nutritional standards.
3. In vending machines that display products, products meeting the nutritional standards shall be placed within the top half of the vending machine so they are easily visible.
4. Products meeting the nutritional standards shall be priced at or below the cost of products offered in vending machines not meeting the nutritional standards.
5. Proposer shall include a description of products anticipated to be offered in machines as well as anticipated product pricing.
6. Contractor(s) employees shall be identified by a clearly marked and openly displayed insignia and/or uniform when performing any service.
7. If the City does not receive commissions within ten (10) days from the agreed upon payment schedule, a late charge of five percent (5%) shall be paid. In addition, one and a half percent (1 ½ %) interest per month shall be added for each month payment is due but unpaid.

1.4 TECHNICAL QUESTIONS

Technical questions regarding this Request for Proposals (RFP) shall be directed VIA EMAIL ONLY **no later than 5:00PM (PST) on Wednesday, December 14, 2011** to:

mprestwich@cityofsacramento.org.

Technical questions must reference this RFP and include the individual's name, company, address, and contact information. Questions via phone will not receive a response.

Answers to written questions submitted by the above deadline will be discussed during the optional Pre-Proposal Conference Call and posted at the earliest opportunity to the City's website (under the "Bid Center" link at www.cityofsacramento.org). It is the PROPOSER's responsibility to monitor the City's website for answers to written questions and/or addendums to the original RFP.

PROPOSERS MAY RELY ONLY UPON WRITTEN INFORMATION AND/OR INSTRUCTIONS FROM THE CITY. THE CITY SHALL NOT BE RESPONSIBLE FOR ANY ORAL INFORMATION AND/OR INSTRUCTIONS GIVEN WITH REGARD TO THIS RFP.

To maintain a fair and equal process for all proposers, upon receipt of this RFP and until staff's recommendation of approval of an agreement, proposers (or their designated agents) SHALL NOT directly or indirectly contact any City Council member or other City staff, other than the person identified in this RFP, for meetings, conferences or technical discussions that are related to the RFP. Unauthorized contact of any Council member or

other City staff may be cause for immediate disqualification of the proposer from the RFP process.

1.5 PRE-PROPOSAL CONFERENCE CALL

An optional Pre-Proposal Meeting will be held via conference call on Wednesday, December 21, 2011 from 10:00AM to 11:00AM (PST). The purpose of this conference call meeting will be to answer questions regarding the RFP.

Pre-Proposal Meeting conference call dial-in information: PROPOSERS are required to contact Mark Prestwich at mprestwich@cityofsacramento.org or telephone (916) 808-5380 no later than 5:00PM (PST) on Wednesday, December 14, 2011 to confirm attendance to the Pre-Proposal Conference Call Meeting. Instructions to connect to the Pre-Proposal Meeting conference call will be made available to all confirmed responders. A summary of the conference call meeting will be posted as an addendum to this RFP on the City's website.

1.6 EVALUATION CRITERIA

PART 1. Written Proposal

Proposals will be evaluated on the basis of the overall best value to the City based on quality and efficiency of machines, prices, commission rates and any other criteria contained in this RFP.

EVALUATION CRITERIA SCOREHEET

MANDATORY REQUIREMENTS**	
Attachment 1 – Contact Information	YES / NO
Attachment 2 – Proposal Signature Form	YES / NO
Attachment 3 – Client References (Minimum of 3)	YES / NO
Attachment 4 – Small Business/Emerging Small Business Certification Form	YES / NO
Attachment 5 – Identify state where bidder is headquartered	YES / NO
Attachment 6 – Include a statement in your submittal identifying explicit review of an agreement to the general provisions of the City's Agreement and identify any exceptions or non-negotiable points	YES / NO
Acknowledgment of Addendums	YES / NO

**** If Mandatory Requirements are not met, the submittal will be deemed non-responsive and it will be rejected from consideration.**

EVALUATION CRITERIA			
Item No.	Selection Criteria	Maximum Points	Reviewer's Score
1	Capabilities of Contractor(s) to provide machines, products and services	15	
2	Products and conformance with the City's Vending Machine Nutrition Policy	25	
3	Product costs and proposed percentage of commission offered	40	
4	Proven performance	10	
5	References	5	
6	Financial stability of Contractor(s)	5	
7	ESBE Certified (5% Preference)	5	
	Total Possible Points	100	

PART 2. Interview

Interviews may be held with the top candidates to determine the candidate that most closely meets the City's needs.

1.7 SELECTION PROCESS

The selection process is described below.

- After the period has closed for receipt of proposals, each proposal will be examined to determine compliance with the format and information requirements specified in the Request for Proposals (RFP). Any proposal that does not meet the format and information requirements will be eliminated from competition and returned to the contractor. The City may reject any proposal if it is conditional, incomplete, or contains irregularities. The City also reserves the right to reject all proposals.
- A Selection Panel (SP) will review each proposal that meets the format and information requirements.
- Following independent evaluation of the proposal, the top candidates **may** be requested to participate in an interview to determine and select a consultant that most closely meets the City's needs. However, **the City reserves the right to select based solely on the written proposal.**
- All Proposers will be notified of the results.

1.8 ADDENDUMS

It is the Proposer's responsibility to monitor the City's website for addendums to the original RFP.

1.9 NOTABLE DATES

RFP Release	November 30, 2011		
Technical Questions Due	December 14, 2011	@	5:00PM (PST)
RSVP Deadline - Pre-Proposal Meeting	December 14, 2011	@	5:00PM (PST)
Pre-Proposal Conference Call Meeting	December 21, 2011	@	10:00AM (PST)
Submittal Deadline	January 10, 2012	@	4:00PM (PST)

1.10 CHECKLIST

Please use the following checklist to ensure the submission is complete. Additionally, please ensure that all electronic files are clearly identified with your business name and address:

- Cover Letter– see Section 2 of the RFP
- Attachment 1 – Contact Information
- Attachment 2 – Proposal Signature Form
- Attachment 3 – Client References (Minimum of 3)
- Attachment 4 – Small Business/Emerging Small Business Certification Form
- Attachment 5 – Identify state where Proposer is headquartered
- Attachment 6 – Include a statement in your submittal identifying explicit review of and agreement to the general provisions of the City's standard Professional Services Agreement and identify any exceptions or non-negotiable points
- Include one (1) electronic copy of proposal

2 PROPOSAL SUBMITTAL REQUIREMENTS

Proposals must be submitted in accordance with the requirements set forth in this RFP. These requirements were developed to standardize the preparation of proposals for the City's Vending Machine services. The purpose of these guidelines is to help assure consistency in format and content of proposals submitted to the City. This process will reduce the time required to prepare a proposal and will simplify the review process by City staff.

The proposal should contain the following information:

1. Cover Letter
2. Qualifications and Experience
3. Staffing Information
4. Work Plan
5. Cost Proposal
6. References
7. Conflict of Interest Statement
8. Insurance Coverage
9. E/SBE Project Participation

Please submit the following required information, in the same order as listed below. Please be as concise as possible while still providing the necessary details to allow the selection panel to adequately evaluate your proposal.

2.1 Cover Letter: The proposal letter will summarize, in a brief and concise manner, the proposer's understanding of the requested services. Please include the official name of the firm submitting the proposal, mailing address, e-mail address, telephone number, fax number and contact name. The letter must be signed by an official authorized to bind the proposer contractually and contain a statement that the proposal is firm for ninety (90) days.

The signed cover letter constitutes certification by the proposer, under penalty of perjury, of the debarment and suspension certificate required under part 29, Title 49, CFR, and also constitutes certification under penalty of perjury, that the proposer complies with non-discrimination requirements of the State and the Federal Government. An unsigned letter or one signed by an individual not authorized to bind the proposer will be rejected.

2.2 Qualifications and Experience: The proposer shall include qualifications and experience of the firm. The proposer shall identify the year the firm was established, the total number of employees currently employed, and the number of employees focused on this engagement. The proposer may include any additional literature and product brochures.

- 2.3 Staffing Information:** Identify the key individuals along with their qualifications and experience as related to this proposal. Types and locations of similar services performed in the last five years that best characterizes the quality and past performance of the project manager and team should be included.
- 2.4 Scope of Services:** Provide a discussion of the firm’s understanding and systematic process for providing the City with Vending Machine services. Proposer shall include a description of products anticipated to be offered in machines as well as anticipated product pricing. Proposers shall refer to Section 1.3 of this RFP for additional requirements.
- 2.5 Commission Proposal:** In consideration of an exclusive right to provide vending machines services at City facilities, the City requests proposers submit a proposal that establishes the City’s compensation at a percentage of gross sales. Proposers shall
- 2.6 References:** The proposer must provide a minimum of three client references for similar work performed for clients of a similar size, complexity, and business. The form in Attachment 3 must be completed for each reference.
- 2.7 Conflict of Interest:** It is preferable that the proposer be an independent entity with no direct affiliation with the City or its staff or elected officials. If such a relationship exists, the proposer must identify the nature of the relationship and indicate proposer could still be relied upon to work solely in the City’s best interest. The proposer shall disclose any financial, business, or other relationship with the City that may have an impact upon the outcome of this contract. The proposer shall also list current clients who may have a financial interest in the outcome of this contract.

Generally. Under the California Political Reform Act, Government Code §§ 81000 et seq., designated employees of the City are required to comply with the City’s Conflict of Interest Code. The term “designated employees” is a term of art and includes individuals working for contractors providing services or performing work for the City, if such individuals are considered to be “consultants” under the Political Reform Act. The term “consultant” generally includes individuals who make, or participate in making, governmental decisions or who serve in a staff capacity. Individuals who perform work that is solely clerical, ministerial, manual or secretarial are not “consultants.”

The City’s Conflict of Interest Code requires individuals who qualify as “consultants” to file the following statements of economic interests with the City:

- (a) An “assuming office” statement of economic interests to be filed within 30 days after execution of the agreement between the City and the contractor;
- (b) Annual statements of economic interests while the agreement remains in effect, to be filed not later than April 30 of each year; and
- (c) A “leaving office” statement of economic interests to be filed within 30 days of completion of the contract.

The above statements of economic interests are public records subject to public disclosure under the California Public Records Act.

The City's Conflict of Interest Code also requires individuals who qualify as "consultants" under the Political Reform Act to comply with the conflict of interest provisions of the Political Reform Act, which generally prohibit individuals from making or participating in the making of decisions that will have a material financial effect on their economic interests.

Conflict of Interest Statements. The standard Professional Services Agreement attached to this RFP indicates that the individual(s) who will provide services or perform work pursuant to the agreement **will** be considered "consultants" within the meaning of the Political Reform Act and the City's Conflict of Interest Code. The submission of a proposal in response to this RFP constitutes the proposer's acknowledgement and agreement that, if the proposer is awarded the agreement by City, the individuals who will provide services or perform work pursuant to the agreement will not have a conflict of interest under the City's Conflict of Interest Code.

In addition, if the proposer is awarded the agreement by City, such proposer shall cause the following to occur within 30 days after execution of the agreement:

- (a) The proposer shall identify the individuals who will provide services or perform work under the agreement as "consultants" within the meaning of the Political Reform Act and the City's Conflict of Interest Code;
- (b) The proposer shall cause these individuals to file with the City Representative identified in the agreement the "assuming office" statements of economic interests required by the City's Conflict of Interest Code.

Thereafter, throughout the term of the agreement, the proposer shall cause these individuals to file with the City Representative annual statements of economic interests, and "leaving office" statements of economic interests, as required by the City's Conflict of Interest Code. The City may withhold all or a portion of any payment due under the agreement until all required statements are filed.

2.8 Insurance Coverage: The proposer shall provide a summary of the firm's insurance coverage for Comprehensive General Liability Insurance, Professional Errors and Omissions Insurance, Automotive Liability Insurance, and Worker's Compensation Insurance.

2.9 ESBD Participation: The forms in Attachment 3 must be completed and submitted by all proposers. ESBE participation will be used in the selection criteria to determine the top-ranked firm. If applicable, it is the proposer's responsibility to make a sufficient portion of the work available to ESBE sub consultants and suppliers. The proposer shall indicate in their proposal the percent of ESBE participation they expect to attain and the percent of work expected to be carried out by ESBE firms on a fee basis. To be given credit for ESBE participation, the following criteria must be met:

The ESBE firm must be certified by City of Sacramento or the State of California Department of General Services at the time of proposal submission;

An ESBE must be responsible for the execution of a distinct element of the work and must carry out its responsibility by actually performing, managing, and supervising the work; and

An ESBE joint venture partner must be responsible for a clearly defined portion of the work to be performed in addition to satisfying requirements for ownership and control.

The City of Sacramento web site at www.cityofsacramento.org/esbd has a listing of ESBE certified firms. Certification is valid for one year and must be renewed annually or at any time there is a change in the ownership or control of the firm.

3 GENERAL INFORMATION

3.1 CITY TERMS AND CONDITIONS

- A. The City reserves the right to modify any portion of, postpone or cancel this RFP at any time, and/or to reject any and all Proposals without indicating any reason. It is the proposer's responsibility to monitor the City's website for addendums to the original RFP.
- B. The City reserves the right to reject any Proposal if it determines that it is not responsive to the RFP or if such action is deemed to be in the best interest of the City. The City reserves the right to reconsider any Proposal at any phase of the procurement. The City reserves the right to meet with any proposer at any time if City determines that additional information is necessary to evaluate the Proposal. Furthermore, the City reserves the right to delete or add terms and conditions up until the final contract signing.
- C. The City reserves the right to decide that one proposer is more responsive than the others and to select that Proposal after review of the Proposal only.
- D. The City reserves the right to reject individual firm members, firms, and subcontractors and request substitution without indicating any reason.
- E. All Proposers must be prepared to sign the City's Professional Services Agreement including the Equal Benefits Ordinance declaration (attached).

3.2 PRICING

All proposers agree that their pricing is valid for a minimum of one year after submission to the City. All firms submitting Proposals are encouraged to submit the most competitive proposal possible.

3.3 CONSORTIUM PROPOSALS

The City welcomes proposals from two or more persons or companies having no formal corporate links who wish to form a joint venture or consortium solely for the purpose of submitting a proposal in response to this RFP, provided they disclose the names of all members of the joint venture or consortium and all members sign the proposal. The City reserves the right to accept the consortium as proposed or choose to negotiate an agreement with individual consortium members separately.

3.4 LATE SUBMITTAL

A proposal is late if received at any time after the required submittal date and time. A proposal received after the specified time will not be considered and will be returned to the proposer.

3.5 MODIFICATION OR WITHDRAWAL OF SUBMITTAL

Any proposal received prior to the date and time specified above for receipt of proposal may be withdrawn or modified by written request of the proposer. To be considered, however, the modified proposal must be re-submitted and received by the City by the submittal deadline specified above.

3.6 OWNERSHIP OF SUBMISSIONS

All proposals and accompanying documents including electronic files become the property of the City of Sacramento. The City reserves the right to retain all materials regardless of which proposal is selected. Proposals may be reviewed and evaluated by any persons at the discretion of the City.

By submitting a proposal, the proposer grants to the City (including its agents and consultants) a royalty-free, perpetual, nonexclusive, and nontransferable license to use or reproduce the whole or any portion of the proposal and any accompanying documents solely for City's internal business purpose.

3.7 CALIFORNIA PUBLIC RECORDS ACT REQUESTS

Responses to this RFP become the exclusive property of the City. At such time as City staff recommends a Proposer to the City Council, all proposals received in response to this RFP become a matter of public record and shall be regarded as public records and will be disclosed upon receipt of a request for public disclosure pursuant to the California Public Records Act; provided, however, that if any information or elements of the proposal is set apart and clearly marked as "Trade Secret" or "Proprietary" when it is provided to the City, the City will give notice to the Proposer of the request for disclosure to allow the Proposer to seek judicial protection from disclosure. Failure by the Proposer to take timely steps to seek judicial protection from disclosure shall constitute a complete waiver by the Proposer of any rights regarding the information designated as "Trade Secret" or "Proprietary" and such information may be disclosed by the City pursuant to applicable procedures under the California Public Records Act. Under no circumstances will City have any obligations to seek judicial protection from disclosure for any proposals or other materials submitted in response to this RFP.

City has no liability for any disclosure, unless such disclosure is made in violation of a court order obtained by a Proposer or pertains to materials marked as “Trade Secret” or “Proprietary” for which the City failed to give the above notice.

3.8 INCURRED COSTS

Any/all respondents responding to this RFP do so entirely at their expense. There is no expressed or implied obligation by the City to reimburse any individual or firm for any costs incurred in preparing or submitting responses, for providing additional information when requested by the City or for participating in any selection demonstrations or interviews, including pre-contract negotiations and contract negotiations.

3.9 NON-COMMITMENT OF CITY

This RFP does not commit the City to award a contract, to pay any costs incurred in the preparation of a proposal for this request, or to procure or contract for services. The City reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with any qualified proposer or to modify or cancel in part or in its entirety the RFP if it is in the best interests of the City to do so.

3.10 MATERIALS PROVIDED BY CITY

All City codes, standards and other city documents related to the RFP will be available at the proposer’s request.

3.11 EMERGING AND SMALL BUSINESS DEVELOPMENT PROGRAM

- A. On February 9, 1999, the Sacramento City Council adopted an Emerging and Small Business Development program to provide enhanced opportunities for the participation of small business enterprises (SBEs) and emerging business enterprises (EBEs) in the City’s contracting and procurement activities.
- B. Any proposal that is certified as a SBE or EBE by the City of Sacramento, or that is certified as an EBE by the State of California, shall receive an evaluation preference for the purpose of determining the highest ranking consultant.
- C. To receive this evaluation preference, a proposer shall be certified as a SBE or EBE on or before the RFP submittal due date and complete Attachment 4.
- D. Questions regarding eligibility for SBE/EBE certification should be addressed to the City of Sacramento Office of Small Business at (916) 808-7223.

3.12 CITY AGREEMENT

Attachment 6 outlines the City's standard terms and conditions as part of the agreement between the City and selected proposer. Submission of a proposal shall constitute acknowledgement and acceptance of all the terms and conditions contained in Attachment 6, unless an exception to the specific terms and/or conditions is expressed in writing in the proposal. Any/all exceptions taken by the proposer shall be clearly identified, referencing the section number. The written explanation shall include the scope and basis for the exception. The City, at its sole discretion, may reject any exceptions.

The RFP shall be transmitted with a Qualification Statement Signature Form (Attachment 2) that must be signed by an official authorized to contractually bind the prospective proposer.

The signed form constitutes certification by the Proposer, under penalty of perjury, of the debarment and suspension certificate required under Part 29, Title 49, CFR, and also constitutes certification under penalty of perjury, that the prospective proposer complies with non-discrimination requirements of the State and the Federal Government.

An unsigned proposal or one signed by an individual not authorized to bind the prospective proposer will be rejected.

3.13 BOYCOTT OF ARIZONA-HEADQUARTERED BUSINESSES

On June 15, 2010, the Sacramento City Council adopted Resolution No. 2010-346 opposing two Arizona laws (SB 1070 and HB 2162) that will allow Arizona police to arrest individuals suspected of being unlawfully present in the United States and to charge immigrants with a state crime for not carrying immigration documents. Sacramento City Council Resolution No. 2010-346 also called for a boycott of the State of Arizona and businesses headquartered in Arizona until Arizona repeals or a court nullifies SB 1070 and HB 1262. Resolution No. 2010-346 provides, in pertinent part, that "where practicable and where there is no significant additional cost to the City, the City of Sacramento shall not enter into any new, amended, extended or supplemental contracts to purchase or procure goods or services from any business or entity that is headquartered in Arizona."

Pursuant to the provisions of Resolution No. 2010-346, the City may determine that a proposal from a business or entity that is headquartered in Arizona is nonresponsive and the City may reject the proposal on that basis.

Proposers that are headquartered in the United States shall certify in Attachment 5 the state where the Proposer is headquartered.

Proposal for the City of Sacramento
“Beverage and Snack Vending Machines”

*Submissions Must Be Received Prior To 4:00 P.M. (Pacific Standard Time)
on Tuesday, January 10, 2012*

Submit Statements to:

**City Clerk’s Office
City of Sacramento
915 I Street
Sacramento, CA 95814
Attn. Beverage and Snack Vending Machines**

NAME AND ADDRESS OF PROPOSER SUBMITTING THIS INFORMATION:

Name of Vendor: _____

Name of Contact Person: _____

Address: _____

City, State, Zip Code: _____

Phone Number: _____

E-MAIL: _____

PROPOSAL SIGNATURE FORM

All Proposers must complete and sign this section. **Failure to complete and sign this section will result in rejection of the proposal.**

Name of Submitter: _____

Business Address: _____
(Street) (City) (State) (Zip Code)

Telephone: _____ **FAX:** _____

Type of Business: Corporation; Partnership; Individual doing business under own name; Individual doing business using a firm name; Joint Venture (Attach Joint Venture Agreement)

Federal Tax I.D. Number: _____

To the City of Sacramento:

The undersigned, as Proposer, certifies that the only persons or parties interested in this Proposal as principals are those named herein as submitter; that this qualification statement is made without collusion with any other person, firm, or corporation; that in submitting this Proposal the Proposer has examined all terms, conditions, and requirements set forth in the Request for Proposal; that the Proposer proposes and agrees that if this Proposal is accepted, the Proposer will execute and fully perform the contract for which Proposals are called; that the Proposer will perform all the work and/or furnish all the materials specified in the contract, in the manner and time therein prescribed, and according to the requirements as therein set forth; and that the Proposer will take in full payment therefor, the prices set forth in the contract.

(Typed or Printed Name and Title) (Signature)

Address (if different than business address above)

CLIENT REFERENCES

(MINIMUM OF **THREE** REFERENCES REQUIRED)

CLIENT NAME: _____

NAME OF PROJECT: _____

CITY/COUNTY _____ STATE _____

ADDRESS _____

KEY CONTACT NAME / EMAIL / TELEPHONE NUMBER _____

DETAILS

DATE SERVICES WERE PROVIDED _____

SCOPE OF THE ASSIGNMENT _____

ADDITIONAL REMARKS _____

SMALL BUSINESS/EMERGING SMALL BUSINESS CERTIFICATION

NOTE: *Submitters must provide responses to the following items. Failure to provide a response to each of the items in this section may be grounds for rejection of qualification statements.*

1. SMALL BUSINESS ENTERPRISE (SBE) CERTIFICATION

Is the firm submitting the bid certified by the City of Sacramento as a Small Business Enterprise? Check the appropriate block below:

YES - the firm submitting the bid is certified by the City of Sacramento as a Small Business Enterprise.

NO - the firm submitting the bid is not certified by the City of Sacramento as a Small Business Enterprise.

If the response to the above is YES, provide the City of Sacramento Certification Number _____.

2. EMERGING BUSINESS ENTERPRISE (EBE) CERTIFICATION

Is the firm submitting the bid certified by the City of Sacramento as an *Emerging* Business Enterprise? Check the appropriate block below:

YES - the firm submitting the bid is certified by the City of Sacramento as an Emerging Business Enterprise.

NO - the firm submitting the bid is not certified by the City of Sacramento as an Emerging Business Enterprise.

If the response to the above is YES, provide the City of Sacramento Certification Number: _____.

NOTE: SBE/EBE FIVE PERCENT (5%) EVALUATION PREFERENCE

On February 9, 1999, the Sacramento City Council adopted an Emerging and Small Business Development program to provide enhanced opportunities for the participation of small business enterprises (SBEs) and emerging business enterprises (EBEs) in the City's contracting and procurement activities. Any qualification statement submitted by a firm that is certified as a SBE by the City of Sacramento, or that is certified as an EBE by the City of Sacramento, will receive a five percent (5%) evaluation preference.

To receive this evaluation preference, a firm must be certified as a SBE or EBE at the time of bid opening. Questions regarding eligibility for SBE/EBE certification should be addressed to the City of Sacramento Office of Small Business Development at (916) 808-6747.

3. BUSINESS OPERATIONS TAX CERTIFICATE (B.O.T.C.)

Sacramento City Code Chapter 3.08 requires any person or firm conducting business within or with the City of Sacramento to pay a **Business Operations Tax and have a current Business Operations Tax Certificate.**

To obtain information about the Business Operations Tax Certificate, contact the City of Sacramento Revenue Division, 915 I Street, First Floor, Sacramento, CA 95814, or telephone (916) 808-8500.

Unless otherwise specified, more than one proposal received from an individual, firm, partnership, corporate affiliate, or association under the same or different names, in response to a single solicitation, will be rejected. Such rejection will result in rejection of all proposals in which the Submitter is interested.

City of Sacramento Boycott of Arizona-Headquartered Businesses

On June 15, 2010, the Sacramento City Council adopted Resolution No. 2010-346 opposing two Arizona laws (SB 1070 and HB 2162) that will allow Arizona police to arrest individuals suspected of being unlawfully present in the United States and to charge immigrants with a state crime for not carrying immigration documents. Sacramento City Council Resolution No. 2010-346 also called for a boycott of the State of Arizona and businesses headquartered in Arizona until Arizona repeals or a court nullifies SB 1070 and HB 1262. Resolution No. 2010-346 provides, in pertinent part, that “where practicable and where there is no significant additional cost to the City, the City of Sacramento shall not enter into any new, amended, extended or supplemental contracts to purchase or procure goods or services from any business or entity that is headquartered in Arizona.”

Pursuant to the provisions of Resolution No. 2010-346, the City may determine that a proposal from a business or entity that is headquartered in Arizona is nonresponsive and the City may reject the proposal on that basis.

Proposers that are headquartered in the United States shall in the space below the state where the proposer is headquartered:

State Where Proposer is Headquartered

TBD

The requirements set forth in this policy apply to City-operated facilities not already under contract and are intended to ensure the availability of healthy vending alternatives for employees and members of the public.

1. Snacks.

- a) At least 50 percent of the individually packaged snack foods served in vending machines shall meet all the nutritional standards set forth below:
 - i. Contain no trans fats
 - ii. Not more than 35% of calories from total fat (with the exclusion of nuts and seeds)
 - iii. Not more than 10% of calories from saturated fat
 - iv. Not more than 35% sugar by weight (with the exclusion of fruits/vegetables)
 - v. Not more than 250 calories per individual food item

- b) Every snack vending machine shall:
 - i. Offer at least one snack item that has no more 360 mg of sodium per serving or per portion
 - ii. Include at least one item that meets the FDA definition of “low sodium”: 140 mg or less per serving or portion
 - iii. Include at least one item that contains at least two grams of dietary fiber

2. Beverages.

- a) At least 50 percent of the beverage vending machine offerings shall include one or a combination of the following (provided that drinks sweetened with non-caloric sweeteners shall not exceed 25% of items offered that meet nutritional standards).
 - i. Water
 - ii. 1% or less milk products, including soy, rice, chocolate or other flavored milk without added sweeteners
 - iii. 100% fruit or vegetable juices without added caloric sweeteners
 - iv. All other non-caloric beverages, including diet sodas and diet sports drinks

- b) Any beverages with added caloric sweeteners will be counted as products that do not meet nutritional standards.

City Facilities – Vending Machine Inventory

Department	Address	Yes	No	Number
City Hall (Historic and New)	915 I Street	X		5
CDD/Metro Arts/Parking Services	300 Richards Blvd, 3rd Floor	X		2
CC&L/Capitol Golf/Sports Commission	1030 - 15th Street, #250		X	
Solid Waste Corporation Yard	2812 Meadowview Road	X		4
Animal Care	2127 Front Street	X		1
Information Technology Dept.	1000 I Street, #120	X		1
North Area Corporation Yard	918 Del Paso Road	X		2
Street/Park Maintenance (Corp Yard)	5730 - 24th Street	X		5
Police/Fire Administration	5770 Freeport Blvd	X		2
Plant Services (Utilities Department)	1391 - 35th Avenue	X		4
Sacramento History	551 Sequoia Pacific Blvd.		X	
Historic Cemetery	922 Second Street, #200		X	
Sac Marina	2710 Ramp Way		X	
Forensic Section	625 H Street		X	
Evidence Lab	555 Sequoia Pacific Blvd.		X	
Kinney Police Facility	3550 Marysville Blvd.	X		3
Rooney Policy Facility	5303 Franklin Blvd.	X		2
Belle Coolegge Community Center	5699 SLP Drive	X		1
Clunie Community Center*	601 Alhambra Blvd.	X		1
Coloma Community Center	4623 T Street	X		3
Ethel MacLeod Hart Senior Center	915 - 27th Street		X	
Evelyn Moore	1402 Dickson Street		X	
Garden & Arts Center*	3300 McKinley Blvd.		X	
George Sim Community Center	6207 Logan Street	X		1
Joe Mims, Jr. Hagginwood	3271 Marysville Blvd.	X		1
Johnston Community Center*	231 Eleanor Avenue		X	
Max Baer Community Center	7851 - 35th Avenue		X	
Oak Park Community Center	3425 Martin Luther King Jr., Blvd.	X		2
Samuel C. Pannell Meadowview CC	2450 Meadowview Road	X		2
South Natomas Community Center	2921 Truxel Road	X		1
Southside Community Center	2115 - 6th Street		X	
Robertson Community Center*	3525 Norwood Avenue	X		1
Woodlake Community Center	500 Arden Way		X	

*These facilities will be excluded from citywide vending agreement because the facilities are not operated by the City.

NOTE: City parking garages are not included on this list.