

Palm Beach County Sports Commission
2195 Southern Blvd. Suite 550. West Palm Beach, FL 33406

REQUEST FOR PROPOSAL (RFP)

RFP: CA2023-24

**Request for Proposal for
Creative & Media Agency**

SIGNATURE PAGE

One original Signature Page must be signed in ink by an individual authorized to legally bind the business submitting the Proposal and affixed to the original Proposal. A copy of the completed and signed Signature Page must also be affixed to each Proposal copy.

NAME OF FIRM: _____
CONTACT NAME: _____ TITLE: _____
SIGNATURE: _____ DATE: _____
ADDRESS: _____

TELEPHONE: MAIN : (____) _____ CELL: (____) _____
EMAIL ADDRESS: _____ FAX: (____) _____
CORPORATION organized under the state of _____ ID NUMBER _____
authorized to do business in Florida provided for in any resultant contract.
FIN of FEI Number: _____ if Company, Corporation or Partnership Social
Security Number: _____ if Individual

TIMELINE

RFP Released: 4/7/2023

CONE OF SILENCE STARTS: 4/7/2021 (see Section H.4)

Question Clarifications Deadline: 5/3/2021 at 4:00 p.m.

Submittal Deadline: 5/8/2023 at 4:00 p.m. ("Deadline")

PBCSC Review Committee: Week of 5/15/2023

PBCSC Board Approval of Contract: 6/5/2021

Contract Start Date: 6/15/2023

*Note: This timeline may be altered at any time at the discretion of PBCSC and/or the RFP Selection Committee.
Written notice will be issued and posted on www.palmbeachsports.com upon any changes in schedule.*

CONTACT PERSON

The Contact Person at PBCSC for this RFP is Michael Zeff, Senior Director, 561-233-3097,
mzeff@palmbeachsports.com.

Palm Beach County Sports Commission
2195 Southern Blvd. Suite 550. West Palm Beach, FL 33406
April 7, 2023

A. Background

About US

The Palm Beach County Sports Commission (“PBCSC” or “Sports Commission”) attracts sporting events and activities to Palm Beach County to enhance occupancy of hotel room nights; to maximize the positive economic impact of these events and activities on the Palm Beach County economy; to maximize the utilization of County facilities; to utilize events and activities to promote the image of Palm Beach County as a sports tourism destination on a national and international level.

Each year, the events we support are responsible for nearly one million sports visitors to Palm Beach County – sleeping in our hotels, utilizing our facilities, enjoying our attractions and eating in our restaurants.

Priorities

- Promote sports tourism in Palm Beach County
- Recruit new sports tourism event to Palm Beach County
- Provide grants to sports tourism generating events in Palm Beach County
- Offer support services to sports tourism events in Palm Beach County

Vision Statement

Establish and develop Palm Beach County as the most diverse global sports destination in Florida.

Mission Statement

Champion Palm Beach County as the ultimate destination for sports and tourism.

B. Purpose

The purpose of this Request for Proposal (RFP) is to enter an agreement (“Agreement” or “Contract”) with a qualified consultant for the provision of Creative and Media Agency of Record to support PBCSC’s sports tourism marketing program under PBCSC/County contract.

C. Expectations/Statement of Needs

The Palm Beach County Sports Commission is an organization dedicated to promoting sports-related events and activities in Palm Beach County, Florida. As a promotional organization, it is crucial to have a Creative and Media Agency that can help develop an effective marketing campaign that engages and excite a global target audience of sport providers. The Creative and Media Agency the Palm Beach County Sports Commission selects, will help to enhance the overall image of Palm Beach County sports tourism, increase its visibility, and ultimately, achieve its mission of promoting sports tourism globally.

D. Scope of Services

PBCSC is deploying this RFP for a creative and media agency. Refer to the attached Scope of Work, Exhibit A, as a basis for your submittal.

E. Terms and Conditions

1) Preparing a Response

This RFP contains instructions governing the proposals to be submitted and a description of the mandatory requirements. To be eligible for consideration, a proposer must meet all mandatory requirements. Compliance with the intent of all requirements will be solely determined by the PBCSC Selection Committee. Responses that do not meet the full intent of all requirements listed in this RFP may be subject to point reductions during the evaluation process or may be deemed non-responsive.

2) Rights Reserved

While PBCSC has every intention to award a contract as a result of this RFP, issuance of the RFP, evaluation of the proposals, and even the selection of a successful proposer by the Selection Committee in no way constitutes a commitment by PBCSC to award a contract. PBCSC, in its sole and absolute discretion, and for any reason or no reason, reserves the right to:

- a) Postpone, cancel or terminate this RFP at any time;
- b) Re-advertise this RFP;
- c) Reject any or all proposals, or parts of any and all proposals, received in response to this document;
- d) Waive any undesirable, inconsequential, or inconsistent provisions of this document, which would not have significant impact on any proposal;
- e) Waive any minor irregularities in this RFP or any submittals received in response to this RFP; or
- f) Not award any contract, or, if awarded, terminate any contract.

3) Development Costs

Neither PBCSC nor Palm Beach County, Florida shall be liable for any expenses incurred in connection with work performed, travel, or any and all other expenses incurred in the preparation or submission of a proposal or other participation in this proposal process. All expenses incurred with the preparation and submission of proposals to PBCSC, or any work performed in connection therewith, shall be borne by the proposer.

4) Materials Ownership

All materials submitted in response to this RFP become the property of PBCSC. All drawings, maps, sketches, programs, databases, reports, plans, strategies, marks, logos, ad language, pictures and other data developed or acquired pursuant to any proposal submitted in response to this RFP or provided during a presentation by a proposer or under a contract entered into between PBCSC and successful proposer, or at PBCSC's expense, shall be and remain PBCSC's property and may be reproduced, copied, published, distributed and reused at the discretion of PBCSC, TDC or County.

5) Contract Period

A contract will be issued by PBCSC for an initial one-year term from July 3, 2023 through July 2, 2024, with the option to be renewed up to two (2) two-year terms upon mutual agreement of the parties or discretion of PBCSC based on the agreed Terms & Conditions as identified in the approved contract. Any renewals will be subject to appropriation of funds and renewal of PBCSC/County Contract by the Board of County Commissioners (BCC). Upon confirmation of PBCSC/County Contract renewal, no RFP will be required for additional terms. Notwithstanding the foregoing, no contract shall extend beyond the expiration or earlier termination of PBCSC/County Contract.

6) Termination Clause

The contract may be terminated in its entirety without cause by either party by giving 60-day written notice. Unless the successful proposer is in breach of the contract, the successful proposer shall be paid for services rendered to PBCSC's satisfaction through the date of termination.

7) Working Relationship

It is important to note that due to circumstances beyond PBCSC's control, the need may arise for immediate action or response from the contracted agency. The successful proposer is expected to have the ability to provide a high level of quality account service and creative work no matter what timelines or deadlines are imposed.

8) Rights to Intellectual Property; Confidentiality

The proposer shall not acquire any interest in or rights to the name "Palm Beach County" or "Palm Beach County Sports Commission." Proposers are hereby notified that all information submitted as part of, or in support of, proposals will be available for public inspection after opening of submissions, in compliance with Chapters 119 and 286, Florida Statutes, popularly known as the "Public Records Law" and the "Government in the Sunshine Law" respectively.

9) Public Entity Crimes

As provided in Section 287.132-133, Florida Statutes, by entering into a contract or performing any work in furtherance hereof, the proposer certifies that it, its affiliates, suppliers, subcontractors and consultants who will perform work hereunder, have not been placed on the convicted vendor list maintained by the State of Florida Department of Management Services within the thirty-six (36) months immediately preceding the date hereof. This notice is required by F.S. 287.133(3)(a).

10) Change of Ownership/Management

Should any of the following occur: merger, changes in ownership, receivership, bankruptcy, etc., it will be the obligation of the proposer to notify PBCSC of such change and PBCSC may, in its sole and absolute discretion, elect to immediately discontinue negotiations with said proposer.

F. Minimum Qualification of Bidders

1. Must be licensed to do business within the State of Florida and hold the appropriate insurance coverage as evidenced by proof from the Florida Department of State, Division of Corporations.
2. Must be amenable to signing an affidavit stating they will comply with the E-Verify system (FL Statute 448.095). This system is in place to ensure contractors do not employ, contract with, or subcontract with an Unauthorized Alien, as that term is defined in section 448.095(1)(k), Florida Statutes, as may be amended.
3. Must have a minimum of five (5) years prior experience.
4. Must provide a minimum of three (3) references of clients who have utilized services as identified in this RFP.

G. Proposal Documents/Requirements

1. Proposal Response Documents

Proposals should be prepared simply and economically with emphasis on completeness and clarity of content and submitted in a straightforward format that describes the capabilities to satisfy the requirements of the RFP.

Proposals should be addressed to Michael Zeff (See Section H below), and submitted by a person authorized to bind proposer to the terms of the proposal.

Proposals should contain a Table of Contents. The Table of Contents should outline, in sequential order, all of the areas of the proposal allowing for clarity and ease of review.

2. Conflict of Interest

A list of the current members of the Board of Directors along with its officers and staff is published on the PBCSC website (www.palmbeachsports.com). Each proposer shall disclose any and all business affiliations or any other associations that could potentially be considered a conflict of interest with any member of the Board of Directors, officers and/or staff of PBCSC.

3. Contract Manager/Team

Provide the name and resume of the person(s) who will be responsible to the contract negotiations, compliance, and monitoring.

4. Scope of Work

Provide a narrative addressing all points listed in the Scope of Work, attached as Exhibit A.

5. Budget

For the purpose of the proposal, proposers should assume an annual budget of \$75,000-\$99,000. Proposers should recommend a fee structure that includes monthly retainer based on the Scope of

Work (Exhibit A); estimated creative production not included in the SOW (such as photography, videography, etc.); and any travel or out-of-pocket expenses. The actual contracted budget will be based on the agreed upon SOW and budgetary limitations imposed on PBCSC as part of its budget approval process with the County.

6. Financial Statement

Financial statements may be requested by PBCSC at its discretion. PBCSC reserves the right to request additional information to be used for evaluating responses received from any or all proposers. Further, PBCSC retains the right to disqualify from further consideration any proposer who fails to demonstrate sufficient financial stability to perform the pending contract.

7. Small Business Enterprise

Refer to Exhibit B for all information related to Small Business Enterprise Policies, procedures, and related schedules.

8. Additional Information

Information considered by the proposer to be pertinent to this project or relevant to the proposer's ability to service this account and which has not been specifically solicited in any of the aforementioned sections may be placed in a separate appendix section. Proposers are cautioned, however, that this does not constitute an invitation to submit large amounts of extraneous materials. Appendices should be relevant and brief.

9. Amendments to the RFP

It is the proposer's responsibility to assure receipt of all amendments. The proposer shall verify any amendments to this RFP by checking the website (palmbeachculture.com) or by checking with the designated contact person (See Section H.1) prior to submitting a proposal. Each amendment to the RFP shall be signed by an authorized person and shall be submitted with the proposal or the proposal shall be deemed non-responsive.

10. Rules, Regulations and Licensing Requirements

The proposer shall comply with all laws, ordinances and regulations applicable to the services contemplated herein, to include those applicable to conflict of interest and collusion. Submitters are presumed to be familiar with all federal, state and local laws, ordinances, codes and regulations that may in any way affect the services offered.

11. Exceptions to the RFP

All exceptions taken must be specific, and the proposer must indicate clearly what alternative is being offered to allow PBCSC a meaningful opportunity to evaluate the proposal. Proposers are cautioned that submitting an alternative proposal does not relieve the proposer from submitting the "Minimum Requirements" as stated in Section G above. PBCSC is under NO obligation to accept any proposed exceptions or alternatives.

12. Commencement of Work

This RFP does not, by itself, obligate PBCSC. PBCSC's obligation will commence when the contract is approved by the Board of County Commission or their designee and upon written notice to the proposer. PBCSC may set a different starting date for the contract or propose terms, provisions and conditions different than what is contained in this RFP or in the successful proposer's submission. PBCSC will not be responsible for any work done by the proposers, even work done in good faith, if it occurs prior to the contract start date set by PBCSC.

13. Insurance Requirements

The successful proposer shall, on a primary basis and at its sole expense, maintain in full force and effect, at all times during the life of this contract, insurance coverages and limits (including endorsements) as required by PBCSC. Failure to maintain the required insurance shall be considered default of the contract. The requirements contained herein, as well as the County's review or acceptance of insurance maintained by the successful proposer, are not intended to and shall not in any manner limit or qualify the liabilities and obligations assumed by the successful proposer under the contract.

H. Proposal Procedures

1. Contact Person

The Contact Person for this RFP is Michael Zeff, 561-233-3097, mzeff@palmbeachsports.com

2. Clarifications

Proposers requesting clarification or interpretation of any section or sections contained in this RFP shall make a written request via email (Subject line: RFP Clarifications) to the Contact Person above by the Question Clarifications Deadline on Page 1. Written responses will be shared with all proposers who made a request via blind copied email and posted on palmbeachsports.com by the Clarification Response date on Page 1.

3. Submissions

(1) electronic version (PDF is preferable) of the complete proposal must be received via email to mzeff@palmbeachsports.com by May 8, 2023 at 4:00 p.m. local time (Deadline on Page 1).

Proposer may submit a modified proposal to replace all or any portion of a previously submitted proposal until the Deadline. PBCSC will only consider the latest submission. Failure to submit a complete and responsive submission shall result in automatic rejection.

A proposal may be withdrawn only by written notification. Letters of withdrawal received after the Deadline for receipt of submissions will not be accepted unless the contract has been awarded to another vendor or no award has been made within forty-five (45) days after the Deadline for receipt.

Unless withdrawn, as provided in this subsection, a proposal shall be irrevocable until the time that a contract is awarded.

Proposals and/or modifications to proposals received after the Deadline specified in the RFP Timetable (Page 1) are late and shall not be considered.

4. Cone of Silence

Proposers are advised that from the date of release of this RFP until award of the contract, NO contact with PBCSC or TDC board members, staff and/or designated Selection Committee members concerning this RFP is permitted, except the contact person designated herein and referenced in Section H(1). Any unauthorized contact may disqualify the proposer from further consideration in the sole and absolute discretion of PBCSC.

5. Contract

The selected proposer will be recommended to the PBCSC board of directors and TDC board of directors for engagement via a contract for performance of the services utilized in Exhibit A, Scope of Work. Upon approval by both parties, the selected proposer will be engaged via a contract conforming to the terms of PBCSC Contracts.

6. Evaluation Process and Award Criteria

- a. Proposals are received, opened, read and scored by the PBCSC Review Committee. The top three (3) proposers will move forward to the PBCSC Selection Committee and may be contacted for additional scope of work information and project evaluation, as necessary.

Proposers in response to this RFP may be required to give an oral presentation (most likely virtual) to the Selection Committee. This provides an opportunity for proposers to clarify or elaborate on the proposal, but in no way change the original proposal. This is a fact-finding session only and does not include negotiation. Oral presentations are an option of PBCSC and may or may not be conducted.

The Selection Committee will score the proposals according to the established Evaluation Criteria per Section H(7) and will recommend that the proposer with the highest score move into contract negotiations.

7. Submittals will be evaluated according to numerical scores with respect to the following criteria:

a. Experience and Qualifications of Professional Personnel (Maximum 30 points)

The proposal will be evaluated based on the strength of the proposer (and any approved subcontractors); including the experience and qualifications of managerial and professional personnel assigned to the project (the duties of each individual will be stated by the proposer).

This evaluation will include, but not be limited to:

- Experience of the proposer with similar projects and/or similar challenges;
- Organizational depth, including the expertise and experience of the proposed project manager and support staff;
- History and financial stability;
- References and recommendations from similar current and/or previous clients regarding the quality of work performed on their behalf.

b. Approach to SOW (Maximum 40 points)

The proposal will be evaluated based on the proposer's understanding of the needs and goals of the PBCSC as demonstrated in the strategy, approach and resources to be applied to the SOW.

c. Participation by Small Business Enterprise (SBE) (Maximum 10 points)

Proposals will be evaluated based on the proposer's status as a Palm Beach County-certified SBE, or the extent of SBE participation documented in the proposal.

Local Preference is given to consultants having a permanent place of business in Palm Beach County. If a consultant is eligible to receive Local Preference, the submittal will receive five (5) points, unless the consultant qualifies to receive SBE points as specified in Exhibit B. A submittal may only receive either Local Preference points or SBE points, not both, with SBE taking precedence.

d. Total Contract Price (Maximum 20 points)

PBCSC is seeking a proposal that offers significant value and maximum impact. While competitive pricing will be a factor in scoring, it may not be the determining component. The proposer with the lowest price is not assured of winning the contract. Proposers will be evaluated on payment schedule and use of budget.

8. Award of Contract

The award, if any, will be made to the proposer whose proposal is considered to be the most advantageous to PBCSC and sports tourism marketing in The Palm Beaches based on the Review and Selection Committee's scores.

Furthermore, the recommendation of the Selection Committee may be rejected by the PBCSC Board, TDC Board and/or the Board of County Commissioners. PBCSC reserves the right, at its sole discretion, not to make an award and to rebid this RFP in part or in its entirety regardless of circumstance. PBCSC also reserves the right to reject the proposal from any contractor who has

previously failed in proper performance of an award or to deliver on-time services under contracts of a similar nature or who is not in a position to perform properly under this award.

The apparent successful proposer will be notified of the recommendation for award. A contract must be negotiated, completed and executed by the successful proposer and PBCSC for approval by the Board of County Commission before it becomes valid and effective. If this condition is not met in a timely manner through no fault of PBCSC, PBCSC, at its sole discretion, may elect to cancel the recommended award and make the award recommendation to the next most advantageous proposer. This process may continue until such time as PBCSC has finalized a contract or determined to cancel the procurement in its entirety.

The award document will be a contract incorporating by reference the terms and conditions of the solicitation and the Contractor's proposal as negotiated.

I. Schedule of Exhibits

- A. Scope of Work
- B. SBE Schedules 11

EXHIBIT A

SCOPE OF WORK

PBCSC is seeking a Creative & Media Agency of Record for its sports tourism marketing efforts.

An annual scope of work may include:

- Account Management and Strategy ○ Support of ideation and activation for brand efforts and campaign extension ○ Guidance and strategy for paid digital and social media initiatives ○ Tracking of budgets and timelines ○ Status meetings and planning sessions ○ Bi-weekly or monthly status meetings
 - Strategy, planning and coordination of the annual marketing plan
- Creative Services ○ Creative Strategy ○ Creative production and resizes ○ Traffic/Production Management ○ Art Direction ○ Copywriting ○ Proofreading
- Developing an advertising campaign targeting audiences of Sports Rights Holders, NGBs, and Event Owners.
- Support key initiatives such as PBCSC's hosting of Sports Event's TEAMS Conference in October 2023.
- Develop a dashboard to report on the performance of marketing efforts.

Based on the outlined SOW above, proposers are invited to customize their proposals with strategic recommendations showcasing their understanding of PBCSC, sports tourism in The Palm Beaches, tourism and hospitality sectors, and market challenges and opportunities. In addition to the items listed in Section G, the successful proposer will, at a minimum, provide the following information in response to this RFP:

A. MARKETING EXPERTISE

1. Introduction
 - a. Philosophy and understanding of the scope of work to be performed
 - b. Capabilities and any experience(s) that would be uniquely relevant in evaluating your ability to handle this scope of work
 - c. Organizational chart showing key personnel and their qualifications/bios and experience in sectors relevant to this scope of work; include expectations around account service (frequency of meetings, day-to-day contacts, weekly updates and deadline reminders, etc.)
 - d. Billing and expense practices, including a rate card that outlines what is/isn't billable
 - e. List of current clients (include any past clients applicable to the scope of work)

2. Research/Planning Capabilities

Provide a description of your use of market research to develop advertising and strategic brand campaigns. Provide cases in which research (primary, secondary or tertiary) was used in the development of strategies and tactics. Examples should include, but not be limited to, the following areas: SWOT, Personas, Campaign/Account Planning, Messaging, Strategies, A/B Testing, etc.

3. Advertising Campaign Development & Execution

Provide at least three (3) case study examples of how you developed and created a new advertising campaign for a client. These case studies should include examples of multi-channel (digital, print, social, OOH, collateral, activations, etc.) campaigns; sample creative; and key performance metrics such as impressions, click through rates, database growth, social media engagement, PR, etc. Tourism examples are encouraged.

4. Competitive Knowledge

Identify up to three (3) other destinations that you believe Palm Beach County competes with in terms of attracting and influencing sports visitors. Explain your rationale in selecting these destinations and what you think Palm Beach County's sports points of distinction might be in comparison to each competitor.

B. INTERACTIVE EXPERTISE

1. Overview

- a. Capabilities and any experience(s) that would be uniquely relevant in evaluating your ability to handle this scope of work
- b. Organizational chart showing key personnel and their experience in sectors relevant to this scope of work; if any work is outsourced, explain the structure and relationship
- c. Billing and expense practices, including a rate card that outlines what is/isn't billable
- d. List of websites developed; relevant examples encouraged

2. Landing Page Development

Demonstrate ability to develop campaign landing pages, including strategy, user experience, programming and reporting.

EXHIBIT B
Small Business Enterprise

A. Policy

It is the policy of the Board of County Commissioners of Palm Beach County, Florida, that SBE(s) have the maximum practical opportunity to participate in the competitive process of supplying goods, services and construction to the County. To that end, the Board of County Commissioners adopted a Small Business Ordinance which is codified in Sections 2-80.21 through 3-81.43 (as amended) of the Palm Beach County Code, which sets forth the County's requirements for the SBE program, and is incorporated in this RFP. Compliance with the requirements contained in this section shall result in a proposer being deemed responsive to SBE requirements. The provisions of the Code are applicable to this solicitation, and shall have precedence over the provisions of this solicitation in the event of a conflict.

Although preferences will not be extended to certify M/WBEs, unless otherwise provided by law, businesses eligible for certification as an M/WBE are encouraged to maintain their certification in order to assist in the tracking of M/WBE availability and awards of contracts to M/WBEs. This information is vital to determining whether race and gender-neutral programs assist M/WBE firms or whether race and gender preferences are necessary in order to address any continued discrimination in the market.

B. SBE Goals

The County has established a minimum goal of 15% SBE participation for all County solicitations, inclusive of all alternates and change orders. This goal is a minimum, and no rounding will be accepted.

It will be the responsibility of the firm submitting a proposal to furnish all the necessary information to the County in order to receive points for SBE participation. Points will not be cumulative. Points shall be assigned based on the level of SBE participation as outlined below:

Table 1 - SBE Point System (Non-CCNA)

Scenario		Points
A	Proposer is a Palm Beach County certified SBE who will be providing 51% of the work with their own workforce.	10 points (or 10% if total evaluation points exceed 100)
B	Proposer has submitted proper documentation verifying that the County's Professional Services Goal of 15% has been met, utilizing Palm Beach County certified SBE contractors. One half point will be awarded for each increment of five (5) percent by which said amount exceeds the established goal.	5-8 points (or 5%-8% if total evaluation points exceed 100)

Upon initiation of the RFP solicitation process, all potential and interested professional service firms or consultants shall be required to list all SBE and M/WBE sub-consultants' selected portion of work to be performed, and *dollar amount or percentage* for each on Schedule 1 and Schedule 2.

Points awarded for SBE participation shall not exceed ten percent (10%) of the total amount of possible points awarded.

C. Proposal Submission Documentation

SBE proposers proposing as prime contractors are advised that they must complete Schedule 1 listing the work to be performed by their own workforce as well as the work to be performed by any SBE or M/WBE subcontractor. Failure to include this information on Schedule 1 will result in the participation by the SBE prime proposers own workforce NOT being counted towards meeting the SBE goal. This requirement applies even if the SBE contractor intends to perform 100% of the work with their own workforce.

Proposers are required to submit with their proposal the appropriate SBE-M/WBE schedules in order to be deemed responsive to the SBE requirements. SBE-M/WBE documentation to be submitted is as follows:

Schedule 1 - List of Proposed SBE and M/WBE Participation

This list shall contain the names of all SBE and M/WBE prime and subcontractors intended to be used in performance of the contract, if awarded. This schedule shall also be used if an SBE prime proposer is utilizing ANY subcontractors.

Schedule(s) 2 - Letter(s) of Intent to Perform as an SBE or M/WBE Subcontractor

A Schedule 2 for each SBE and/or M/WBE Subcontractor listed on Schedule 1 shall be completed and signed by the proposed SBE and/or M/WBE Subcontractor. Subcontractors shall specify the type of work to be performed, the cost or percentage shall also be specified. Additional sheets may be used as needed.

D. SBE Certification

Only those firms certified by Palm Beach County at the time of proposal opening shall be counted toward the established SBE goals. Upon receipt of a complete application, **IT TAKES UP TO NINETY (90) DAYS TO BECOME CERTIFIED AS AN SBE WITH PALM BEACH COUNTY.** It is the responsibility of the proposer to confirm the certification of any proposed SBE; therefore, it is recommended that proposers visit the on-line Vendor Directory at www.pbcgov.org/osba to verify SBE certification.

E. Counting SBE Participation (and M/WBE Participation for Tracking Purposes)

1. Once a firm is determined to be an eligible SBE according to the Palm Beach County certification procedures, the Prime may count toward its SBE goals only that portion of the total dollar value of a contract performed by the SBE.

2. The Prime may count toward its SBE goal a portion of the total dollar value of a contract with a joint venture, eligible under the standards for certification, equal to the percentage of the ownership and control of the SBE partner in the joint venture.
3. The Prime may count toward its SBE goal the entire expenditures for materials and equipment purchased by an SBE subcontractor, provided that the SBE subcontractor has the responsibility for the installation of the purchased materials and equipment.
4. Prime may count the entire expenditure to an SBE manufacturer (i.e., a supplier/distributor that produces goods from raw materials or substantially alters the goods before resale).
5. The Prime may count sixty percent (60%) of its expenditure to SBE suppliers/distributors that are not manufacturers.
6. The Prime may count toward its SBE goal second and third tiered SBE subcontractors; provided that the Prime submits a completed Schedule 2 form for each SBE subcontractor.
7. The Prime may only count towards its SBE goal the goods and services in which the SBE is certified.

F. Responsibilities after Contract Award

Schedule 3(A) – Professional Services Activity Report

This form shall be submitted by the prime consultants with each payment application when SBE and/or M/WBE sub-consultants are utilized in the performance of the contract. This form shall contain the names of all SBE and M/WBE sub-consultants, specify the subcontracted dollar amount for each sub consultant and show amount drawn and payments to date issued to sub-consultants. This form is intended to be utilized on all professional services contracts.

Schedule 4 – SBE-M/WBE Payment Certification

A Schedule 4 for each SBE and/or M/WBE sub shall be completed and signed by the proposed SBE and/or M/WBE after receipt of payment from the prime. When applicable, the prime shall submit this form with each application submitted to the county for payment to document payment issued to a sub in the performance of the contract.

All proposers hereby assure that they will meet the SBE participation percentages submitted in their respective proposals with the subcontractors contained on Schedules 1 and 2 and at the dollar values or percentages specified. Proposers agree to provide any additional information requested by DTPB to substantiate participation.

The successful proposer shall submit an SBE-M/WBE Activity Form (Schedule 3(A)) and SBE-M/WBE Payment Certification Forms (Schedule 4) with each payment application. Failure to provide these forms may result in a delay in processing payment or disapproval of the invoice until they are submitted. The SBE-M/WBE Activity Form is to be filled out by the Prime Contractor and the SBE-M/WBE Payment Certification Forms are to be executed by the SBE or M/WBE firm to verify receipt of payment.

G. SBE Substitutions

After contract award, the successful proposer will only be permitted to replace a certified SBE subcontractor who is unwilling or unable to perform. Such substitution must be done with other certified SBE's in order to maintain the SBE percentages submitted with the bid. Requests for substitutions must be submitted to the user Department and OSBA.

The County's website must be checked to make sure the most current SBE forms are included with the RFP. Go to: www.pbcgov.com, Business (Drop Down Menu), Small Business Assistance, Programs, Compliance Programs, Bid Schedules as follows:

SCHEDULE 1: LIST OF PROPOSED SBE-M/WBE PRIME AND/OR SUBCONTRACTOR PARTICIPATION

SCHEDULE 2: LETTER OF INTENT TO PERFORM AS AN SBE-M/WBE SUBCONTRACTOR

SCHEDULE 3(A): PROFESSIONAL SERVICES ACTIVITY REPORT

SCHEDULE 3: SBE-M/WBE ACTIVITY FORM

SCHEDULE4: SBE-M/WBE PAYMENT CERTIFICATION