



CITY OF ATLANTA

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ATLANTA, GA 30303
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DEPARTMENT OF PROCUREMENT
Adam L. Smith, Esq., CPPO, CPPB, CPPM, CPP,
CIPC, CISCC, CIGPM, CPPC
Chief Procurement Officer
asmith@atlantaga.gov

Kasim Reed
Mayor

December 2, 2016

INTERESTED PROPONENT:

Re: FC-9205, Commercial Food and Beverage Retail Space at Atlanta City Plaza

Attached is one (1) copy of **Addendum No. 1**, which is hereby made a part of the above-referenced projects.

For additional information, please contact the following personnel for the respective solicitation: FC-9205, Jessica A. Boston, Contracting Officer, at (404) 330-6903, or via email at jaboston@atlantaga.gov.

Sincerely,

A handwritten signature in blue ink that reads "Adam L. Smith".

Adam L. Smith

ALS:jab



Addendum No. 1

Re: FC-9205, Commercial Food and Beverage Retail Space at Atlanta City Plaza
December 2, 2016
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This Addendum forms a part of the Request for Proposals and modifies the original solicitation package as noted below:

- **Revision to Technical Specification: Part 1: Information and Instructions to Proponents;**
- **Pre-Proposal Conference date changed to Thursday, January 5, 2017 at 2:30 p.m. Site Tour to Atlanta City Plaza – Suites A and Suite C will begin at 3:15 p.m.; and**
- **Due date changed from Wednesday, January 18, 2017 to Wednesday, February 15, 2017.**

Proposals are due **Wednesday, February 15, 2017**, and should be time stamped no later than 2:00 p.m. EST on this day, and delivered to the address below:

Adam L. Smith, Esq., CPPO, CPPB, CPPM, CPP
CPIC, CISCC, CIGPM, CPPC
Chief Procurement Officer
Department of Procurement
55 Trinity Avenue, S.W.
City Hall South, Suite 1900
Atlanta, Georgia 30303

.....
*****All other information remains unchanged*****



Addendum No. 1

Re: FC-9205, Commercial Food and Beverage Retail Space at Atlanta City Plaza

December 2, 2016

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Acknowledgement of Addendum No. 1

Proponents must sign below and return this form with its proposal to the Department of Procurement, 55 Trinity Avenue, City Hall South, Suite 1900, Atlanta, Georgia 30303 as acknowledgement of receipt of this addendum on this _____ day of _____, 2016.

Legal Company Name of Respondent

Signature of Authorized Representative

Title

Date



Part 1

Information and Instructions to Proponents

FC-9205, Commercial Retail Space for Lease at Atlanta City Plaza

1. **Services Being Procured:** This Request for Proposal (“RFP”) from qualified proponents (“Proponent” or “Proponents”) by the City of Atlanta (“City”), on behalf of its Office of Enterprise Asset Management (“OEAM”), seeks to procure the following services (“Services”): to design, furnish, maintain and operate one and/or two (1 and/or 2) food and beverage commercial retail spaces located at 133 Trinity Avenue, SW, **Suite A, and Suite C** Atlanta, GA 30303 (individually referred to herein as the “Premises”). **Suite A** consists of approximately 6,501 square feet at the corner of Central Avenue and Trinity Ave, SW, Atlanta, GA 30303. **Suite C** consists of approximately 2,563 square feet at the corner of Central Avenue and Mitchell Street, SW, Atlanta, GA 30303 and on a non-exclusive basis. A more detailed Scope of Services sought in this procurement is set forth in **Exhibit A** of the Retail Lease Agreement attached hereto at Part 5 of this RFP (“Agreement”).
2. **Method of Source Selection:** This procurement is being conducted in accordance with all applicable provisions of the City of Atlanta’s Code of Ordinances, including its Procurement and Real Estate Code, and the particular method of source selection for the services sought in this RFP is Code Section 2-1189; Competitive Sealed Proposals. By submitting a Proposal concerning this procurement, Proponent acknowledges that it is familiar with all laws applicable to this procurement, including, but not limited to, the City’s Code of Ordinances and Charter, which laws are incorporated into this RFP by reference.
3. **Minimum Qualifications; Authority to Transact Business in Georgia:** Each Proponent and each of the Proponent’s sub-Lessees must meet the following minimum qualifications:
 - 3.1. Submission of a complete proposal package completed by the stated due date in response to this RFP;
 - 3.2. Provide evidence that it has at least three (3) consecutive years’ experience within the last five (5) years, in the operation and management a food and beverage locations in an transportation center, mall or street locations or other prominent food and beverage setting.
 - 3.3. Each Proponent must submit with its proposal documentation that demonstrates it is duly authorized to conduct business in the State of Georgia.
 - 3.4. If the Proponent is a partnership, joint venture or newly formed entity (e.g., limited liability company or corporation), for the purpose of responding to this

RFP, the minimum requirements set forth in this Section (and throughout the RFP) must be satisfied by the entity or individual(s) that owns and controls a majority equity interest (50%+) of the partnership, joint venture or newly formed entity.

- 3.5. No Proponent or entity comprising Proponent may submit more than one proposal under the same or different names or as part of multiple organizations. The City reserves the right to disqualify any Proponent or entity comprising Proponent that submits more than one Proposal in response to this solicitation.
4. **No Offer by City; Firm Offer by Proponent:** This procurement does not constitute an offer by the city to enter into an Agreement and cannot be accepted by any Proponent to form an agreement. This procurement is an invitation for offers from interested Proponents and no offer shall bind City. Proponent's offer is a firm and may not be withdrawn except under the rules specified in the City's Code and other applicable law.
5. **Pre-Proposal Conference and Site Tour:** Attendance at the pre-proposal conference is not mandatory; however, it is recommended that each Proponent attend the Pre-Proposal Conference and site tour that is scheduled for **Thursday, January 5, 2017 at 2:30 P.M.** at the **City of Atlanta Department of Procurement, 55 Trinity Avenue, SW, Suite 1900, Atlanta, GA 30303.** **Site Tour to Atlanta City Plaza – Suite A and Suite C will begin at 3:15 P.M.** Each Proponent must be fully informed regarding all existing and expected conditions and matters which might affect the cost or performance of the Services. Any failure to fully investigate the Premises shall not relieve any proponent from responsibility to properly evaluate the difficulty or cost of successfully performing the Services.
6. **Procurement Questions; Prohibited Contacts:** Any questions regarding this RFP should be submitted in writing to the City's contact person, **Jessica A. Boston, Contracting Officer**, Department of Procurement, 55 Trinity Avenue, S.W., City Hall, Suite 1900, Atlanta, Georgia 30303-0307, by fax (404) 658-7705 or e-mail jaboston@atlantaga.gov, on or before **Tuesday, January 10, 2017 at 5:00 P.M.** Questions submitted after the designated period will not be considered. Any response made by the City will be provided in writing to all Proponents by addendum. It is the responsibility of each proponent to obtain a copy of any addendum issued for this procurement by monitoring the City's website at www.atlantaga.gov and its Department of Procurement's Plan Room which is open during posted business hours at Department of Procurement, 55 Trinity Avenue, S.W., Suite 1900, Atlanta, Georgia 30303-0307. No Proponent may rely on any verbal response to any question submitted concerning this RFP. **All Proponents and representatives of any Proponent are strictly prohibited from contacting any other City employees or any third-party representatives of the City on any matter having to do with this RFP.** All communications by any Proponent concerning this RFP must be made to the City's contact person referenced above, or any other City representative designated by the Chief Procurement Officer in writing.

7. **Proposal Deadline:** Proposals must be received by the City's Department of Procurement, located at 55 Trinity Avenue, S.W., City Hall, Suite 1900, Atlanta, Georgia 30303-0307, **no later than 2:00 p.m., on Wednesday, February 15, 2017.** Any proposal submitted after this time will not be considered and will be rejected and returned.
8. **Ownership of Proposals:** Each Proposal submitted to the City will become the property of the City, without compensation to a Proponent, for the City's use, in its discretion.
9. **Georgia Open Records Act:** Information provided to the City is subject to disclosure under the Georgia Open Records Act ("**GORA**"). Pursuant to O.C.G.A. § 50-18-72(a)(34), "[a]n entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10 [O.C.G.A. § 10-1-760 et seq.]"
10. **Representation:** By submitting a proposal to the City, Proponent acknowledges and represents that: (a) the accompanying proposal is made by a person or business entity (i.e., firm) that is neither a high cost lender nor a predatory lender, nor is the Proponent an affiliate of a high cost lender or predatory lender, as defined by Code Section 58-102; (b) it has read all of the RFP documents (including, without limitation, the Retail Lease Agreement) and acknowledges that Proponent with the authority to bind Proponent hereto); (d) any information or disclosure provided in response to Form 2: Contractor Disclosure Form are accurate representations up to and including the date Proponent submitted its proposal to the City; (e) the City will not agree to make any substantive revisions to the Retail Lease Agreement; and (f) it agrees that it will voluntarily notify the City immediately if any information or disclosure provided to the City during any part of this procurement process changes, is no longer accurate or would be misleading in any way.
11. **Applicable OCC Programs:** The City's OCC Programs applicable to this procurement are set forth in **Appendix A** attached hereto. By submitting a proposal in response to this procurement, each Proponent agrees to comply with such applicable OCC Programs.
12. **Insurance and Bonding Requirements:** The insurance and bonding requirements for any contract that may be awarded pursuant to this RFP are set forth in **Exhibit D** attached to the form of Retail Agreement included in this RFP. By submitting a proposal in response to this RFP, each Proponent acknowledges and agrees that it will have to comply with the requirements set forth in **Exhibit D** of this Agreement.
13. **Examination of Proposal Documents:**
 - 13.1. Each Proponent is responsible for examining with appropriate care, the complete RFP and all Addenda, and for informing itself with respect to all conditions which might in any way affect the cost or the performance of any Services. Failure to

do so will be at the sole risk of the Proponent, who is deemed to have included all costs for performance of the Services in its Proposal.

- 13.2.** Each Proponent shall promptly notify City in writing on or before **5:00 PM** on **Tuesday, January 10, 2017** should the Proponent find discrepancies, errors, ambiguities or omissions in the Proposal Documents, or should their intent or meaning appear unclear or ambiguous, or should any other question arise relative to the RFP. Replies to such notices may be made in the form of an addendum to the RFP.
- 13.3.** The City may in accordance with applicable law, by addendum, modify any provision or part of the RFP at any time prior to the Proposal due date and time. The Proponent shall not rely on oral clarifications, representations or instructions to the RFP unless they are confirmed in writing by City in an issued Addendum.
- 14. Rejection of Proposals; Cancellation of Solicitation; Waiver of Technicalities.** The City reserves the right to reject any Proposal or all Proposals, to waive any technical defect in a Proposal, or to cancel this Procurement at any time in accordance with the City of Atlanta Code of Ordinances.
- 15. Award of Retail Agreement; Execution:** If the City awards an Agreement pursuant to this Procurement, the City will prepare and forward to the successful Proponent a Retail Lease Agreement for execution substantially in the form included in **Part 5** of this RFP.
- 16. Electronic Proposal Documents:** This RFP is being made available to all Proponents by electronic means. By responding to this RFP, Proponent acknowledges and accepts full responsibility to ensure that it is responding to the correct form of RFP, including any addenda issued by the City's Department of Procurement. Proponent acknowledges and agrees that in the event of a conflict between the RFP in the Proponent's possession and the version maintained by the Department of Procurement, the version maintained by the City's Department of Procurement shall govern. The RFP document is available at www.atlantaga.gov.
- 17. Construction:** All construction must be completed for this location within one hundred twenty (120) days of the Commencement Date, or otherwise pursuant to a transition plan approved by the Office of Enterprise Asset Management or his designee or be subject to liquidated damages. Proponent will propose a construction schedule to be included in Concept & Design of the Proposal, as described in section 2.3.3.3 of the Part 2 - Contents of Proposal. The final construction/transition plan must be approved by the Office of Enterprise Asset Management or his designee.