

**OAK HILLS PARK AUTHORITY
MEETING MINUTES
February 13, 2013**

PRESENT: Bob Virgulak, Chairman; Mike Corsello, Vice Chairman; Stephanie McLaughlin; Pat Williams; Paul Cifatte; Shannon Giandurco; Ernie Desrochers; and Clyde Mount.

STAFF: Shelly Guyer, Executive Director.

ABSENT: Bill Kementzides.

INTERESTED PARTIES: None.

CALL TO ORDER

Mr. Virgulak called the public hearing and meeting to order at 7:08 p.m..

Mr. Desrochers, Chairman of the Adhoc Driving Range Committee, advised the public that the committee asked Anita O'Brien of Anita O'Brien Associates to discuss the study's that were completed in 2000-01 as a part of the OHPA master plan which included a practice range design.

Ms. O'Brien provided background and reviewed the OHPA master plan and studies including a practice range design solicited by the OHPA 12-13 years ago. Mr. Desrochers stated that he would allow the public to ask Ms. O'Brien's questions during the public comment period. A few questions were posed by the public.

PUBLIC COMMENT

Ray Kodel noted that as a parent, teacher, coach of the Norwalk H.S. golf team, and resident he feels a driving range is an asset to the community and the park. He stated that he is in favor of a driving range.

Bill Krummel stated that he is against the purported RFP for a driving range because the RFP is incomplete of detail and contains mention of the tennis facility. He noted that this is a very important proposed change to the Park and expects the Mr. Desrochers will make the necessary effort to draft a RFP with serious detail requesting financial detail and specific operations experience for bidders, hours of operation, and questioned the 10 year lease length. He asked Ms. O'Brien if the length of the old range design was considered a practice range or driving range. She stated that it was a 200 yard practice range.

Dr. Regina Krummel stated that she is very involved in the school system and believes more concern and attention should be paid to dire condition of the education system and students in the Norwalk community.

Charles Brennan stated that he is in favor of the driving range and believes it will attract golfers to OHPA and new residents to the community.

Kathy Jimenez stated that golf and a love of nature are not mutually exclusive. She noted that when she plays a round of golf she is out for a 5 mile nature walk, gets exercise and socializes with friends. She notes that those opposed to the driving range and whose concern is for tree loss should donate tree's to replace those lost in Storm Sandy.

Paul Cantor stated that as a taxpayer of the Norwalk he feels that OHPA is operating a golf course in their Park. He noted that due to the decline in golf rounds and/or course mismanagement in the recent years OHPA now wants to use the land to build a driving range whereas the residents of West

Norwalk want to maintain the residential quality of the area. He stated that the RFP as presented falls short of ensuring that the project is financial viable.

Yvonne LoPaur stated that the agenda says discussion of RFP but the public received a draft RFP and a presentation on a 13 year old plan. She noted that the hours and night operation is not stipulated in RFP. She noted that the restaurant too was touted as a profitable project but is not and she is concerned about the consequences to the community when the driving range is not profitable. She believes that the OHPA is pursuing an agreement with Mr. Jim Downing behind closed doors.

Diane Keefe stated that she objects to the driving range and is in favor of decrease the size of the golf course. She advised the OHPA that as a business person she has reviewed that the golf course budget and projections and stated that it is a money losing operation. She stated that the BET loan of \$150,000 to OHPA is highly speculative and called for a cost benefit analysis of a driving range versus a community gardens or other community activity. She stated that until the proposal has been proven itself to be responsible and good use of public resources the preservation of the wooded area and open space for the environment and animal habitat is more important.

Jane Walters thanked Ms. O'Brien for her presentation. She stated that she supports the creation of a driving range at OHP and noted that it will generate revenue, improve conditions at the course and create business for the restaurant. She noted that the developer of a range will construct it at their expense and pay rent to lease the land. She believes OHP should have the opportunity to compete with area golf facilities and become the true asset to the community it should be.

Jim Downing resident and partner of Total Driving Range Solution supports a driving range and teaching facility at OHP as a great asset to the course and the community because it will benefit those who want to learn to play golf, practice golf, the high school golf teams, the 1,000 Norwalk participants in the First Tee program and provide family recreation. He believes it should increase rounds by 20% and asked the OHPA to revise the RFP to allow alternate sites for a driving range at OHP. He stated that constructing a driving range at the first hole and building a new hole would cost less and have little or no environmental impact. He stated that this would shorten the course length by 140 yards making it a par 71 instead of par 70. He noted that Quaker Ridge, Westchester Country Club and Metropolises are also 71 par courses.

Betsy Wrenn stated that she has done a lot of research on golf and according to what she has read, golf is in decline. She reported that the game is losing 1.6 billion players and only 1 million new players a year start to play, plus it is expensive, tough to learn and takes too long to play. She noted that studies show that people that are not in good financial positions make terrible decisions – same goes for municipalities.

William Wrenn stated that he is a member of the Friends of Oak Hills Park and OHP belongs to everyone. He noted that there's not much to do at the Park if you don't play tennis or golf which takes 95% of the land. He noted that you can walk on the nature trails but you have to know where they are because the signs were taken down. He stated that the process is being rushed since an RFP is being put out and OHPA hasn't done a feasibility study nor has the public been able to digest the draft RFP that is incomplete. Mr. Wrenn is in favor of reducing the golf course because it isn't sustainable as it is and suggested restoring a paddle ball court. He invited anyone to walk the trails on Saturday's at 11am.

Barry McLaughlin stated that he is in favor of constructing a driving range by modifying the first hole on the existing golf course to reduce the environmental impact. He noted that a range would allow kids a learning experience, promote junior golf and give golfers the chance to practice.

Chris Olden stated that as a mother of a golfer she supports a driving range. She stated that the OHPA was formed under the Connecticut Statute Public Act 460-81085-543 and nowhere does it empower the OH to designate itself as a park nor does it say it is a park but it gives OH the power of a public recreational facility authority. She noted the other powers the statute gives OH.

Connor O'Brien a high school golf player stated that a driving range will help OH become a first rate golf course, solve financial difficulties, attract golfers to increase the number golf rounds, and enhance property values. He noted that nationally the number of golf rounds increased by 5.4% last year. He reported that Norwalk has 14 parks with 1,215 acres of land, the OH golf course has 144 acres of land and the proposed driving range would take 7 acres of OHP which amounts to 5/1000 of the total park space in Norwalk.

Nick Pisano stated that he supports the construction of a driving range as he did 5 years ago when the restaurant was proposed. He believes the driving range is entirely feasible in light of how well the driving range in Stamford does and see's the proposal to lease the land to an developer to construct and manage as a solid idea. He suggested that the name be changed from Oak Hills Park to Oak Hills Golf Course. He noted that he only sees people walk at Oak Hills when a driving range is proposed. He reported that the golfers want a range where they can hit a driver and asked that OHPA construct a full capacity range.

Bob Pattigini supports the driving range and noted that Norwalk citizens can't blame the OHPA for the financial problems because the problems were inherited. He stated that rounds will increase in Norwalk as they have in other towns but it has taken a bit longer due to the Norwalk economy.

Richard Delallo reported that as a teenager he played golf at OH when the City first opened it. He stated that the course was not being maintained properly because all the revenue went into the City's general fund and conditions declined 10 years after it opened. He thanked the Park Authority for volunteering their time and efforts to maintain an important Norwalk asset.

Amy O'Brien thanked Ms. O'Brien for her presentation and the Authority for all the time and energy the Members are putting into making OH the success the golfers know it can be. She noted that she too is in favor of a driving range that allows use of a full club selection. She stated that she feels it is appropriate that the OHPA practice due diligence, analysis conducted, and consider the good ideas presented to avoid a rush to a wrong decision.

Lisa Henderson stated that she supports the RFP process and the future building of a driving range and teaching facility at OHP because it is time to enhance the golf course and make it competitive. She noted that for too many years the golf course has been stifled by a few who speak for their own self-interests not the golfers and appreciates the OHPA tenacity and forward thinking while enduring personal attacks by negative detractors. She looks to OHPA to take in the public comments and ultimately make the correct decision.

Larry Andronaco stated that he is in favor of a driving range practice facility at OH. He agrees with all comments from those who spoke before him. He noted that should the golf course ever change to a 9 hole golf course then 8% of the golfers playing there now would go play at another course.

Marianne Capiello read her unpublished letter submitted to the newspaper as a member of the OH Women's Golf Association in support of the proposed driving golf range. She stated that if the driving range is well thought out it should not cost the taxpayers any money. She noted that the OHPA consists mostly of non-golfers but it is good to have golfers too because they know what is happening on the golf course. She noted that the community should support the OH restaurant with it's beautiful view of the course and just met with the new owners who impressed her. She noted that Sterling Farms is getting nervous over the proposed driving range at OH.

Scott Kimick used Ms. O'Brien's design boards to show where the wild life live and wetland areas on the course to highlight that construction of a range will destroy a valuable natural habitat. He supports a pitching range which is much more practical.

Diane Cace stated that OHPA is putting the cart before the horse when an RFP process comes before a feasibility study and at a time when the OHPA finances are in question leading it to request a \$150,000 loan from the City's Board of Estimate & Taxation. She noted that she was happy to hear the suggestions for an alternative site for the driving range. She stated that the Master Plan of Conservation of Planning & Development overrides the State Charter quoted by a previous speaker. She reported that on page 2, paragraph 5, the draft RFP gives the OHPA the authority to go from the pre-selection process (vetting process) directly to a contract and thought that may be a typo but she strongly opposes any process that takes that track.

Diane Lorachela stated that she is in favor of requiring a cost based analysis in the RFP to protect the Norwalk citizens from having to pay for any mistakes a developer makes. She is not against golfing but against the way this proposal has been presented by the OHPA. She asked that the OHPA take another month to provide necessary details such as, hours, alternative sites, request a developer's qualification, experience with wetlands and a marketing plan. She noted that a letter from the OHPA to the West Norwalk Neighborhood Association stated that OHPA has been working closely with the City Conservation office but Alexis Cherichetti reported that is not the case.

Mr. Desrochers stated that the proposal has not gotten to the point in the process to discuss the proposal with Ms. Cherichetti. He cited Mrs. Lorachela comment as a mischaracterization of the letter and would be happy to discuss it after the meeting. Mr. Desrochers closed the public hearing portion of the meeting at 8:57.

SPECIAL MEETING

Mr. Desrochers called the special meeting to order at 8:58 p.m. He thanked the public and noted that there were some very valid comments made tonight. He reported that the driving range would be open during the hours of operation and it will not be lit and apologized that this information was left out of the draft RFP.

A person from the audience inquired about the number of stalls in the previous design.

Mr. Desrochers noted the previous conceptual design had 22 stalls. He advised the public that the presentation tonight was meant to demonstrate that the OHPA had spent a large amount of money trying to design a practice facility, and conducting studies while preparing a master plan for the park but that in no way does the prior driving range concept represent the OHPA current driving range proposal. Another individual asked if the range would be open in all-weather and all season. Mr. Desrochers replied that how best to maximize revenue will be considered. Mr. Desrochers reported that the Ad-hoc Driving Range Committee will meet to discuss what suggestions will be included in the RFP.

****MR. MOUNT MADE A MOTION TO REFER THE TONIGHTS COMMENTS BACK TO THE ADHOC COMMITTEE FOR CONSIDERATION.**

****MR. VIRGULAK SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

The Chair entertained a motion to adjourn the special meeting at 9:05 p.m.

****MR. VIRGULAK MADE A MOTION TO ADJOURN THE MEETING.**

****MR. MOUNT SECONDED THE MOTION.**

****THE MOTION PASSED UNANIMOUSLY.**

Respectfully submitted, Sheila Dravis



**Purchasing Department
Finance Group**

February XX, 2013

REQUEST FOR PROPOSAL FOR: <i>the Development, Construction & Operation of a new outdoor Golf Driving Range Facility at Oak Hills Park Golf Course, Norwalk, CT</i>		
PROJECT NUMBER	3176	Document length – XX pages
DUE DATE	2:00 PM	March XX, 2013

Dear Sir/Madam:

The Oak Hills Park Authority, of the City of Norwalk, is soliciting proposals from Firms interested in the development, construction and operation of a new outdoor golf driving range facility at the Oak Hills Park golf course. RFP DOCUMENTS are available upon receipt of this invitation (if not attached) over the Internet at <http://www.norwalkct.org> Adobe Acrobat reader is required to view this document. If you do not have this software you may down load it for free from Adobe.

All questions regarding this solicitation must be directed via e-mail to, Gerald J. Foley, Purchasing Agent, City of Norwalk at gfoley@norwalkct.org or via fax to (203) 854-7817. The deadline for submission of questions is 2:00PM, Thursday, March XX, 2013.

Businesses, without fax or Internet access equipment, may contact the Purchasing Department at 203-854-7712 for any RFP information. Our fax number is 203-854-7817.

We would appreciate the courtesy of promptly advising us if you do not intend to respond. To properly maintain our records those firms who do not respond may be removed from our vendor records.

If, after review of the RFP documents, your firm is interested in performing the services specified, provide the information requested, sign and return the complete document, along with your detailed proposal, to the City of Norwalk Purchasing Department by the due date.

Gerald J. Foley
Purchasing Agent
Ph 203-854-7712
Fax 203-854-7817, e-mail gfoley@norwalkct.org

SECTION 1 - PROJECT SPECIFICATIONS

1.0 INTRODUCTION:

This Request for Proposal (RFP) is prepared in order to solicit responses from qualified Firms and individuals interested in the development, construction and operation of an outdoor driving range facility at Oak Hills Park Golf Course. The anticipated initial contract period would be for ten (10) years, commencing on or about June 1, 2013 and ending on May 31, 2022. There will be no extension option to either party.

For a firm to be considered for this engagement, One (1) original + ten (10) copies of its proposal must be submitted to the City of Norwalk Purchasing Agent at the address below. They must be received by time and date indicated on the invitation page of this RFP document.

**City of Norwalk
Purchasing Department, Room 103
Gerald Foley, Purchasing Agent
125 East Avenue, Norwalk, CT 06851**

The scope of the required services and other terms and conditions of this engagement are described in section 1.14 of this Request for Proposals document. The requested format and content of the proposal submissions are described in Section 1.17. Proposal submissions shall be evaluated by the criteria set forth in Section 1.20.

Proposals will be initially reviewed by a Selection Committee. The Selection Committee will select the two or three firms that best meet the Oak Hills Park Authority's (hereafter, O.H.P.A.) requirements. These firms will then be invited to present their proposal submissions to, and respond to questions from the Selection Committee.

Following this selection process, the Selection Committee will make a recommendation to O.H.P.A., which has the final responsibility for the authorization to enter into a contract.

The City of Norwalk reserves the right to reject any and all proposals submitted, to request additional information from all proposers and to negotiate with one or more of the finalists regarding the terms of this engagement. The City of Norwalk also reserves the right to retain the proposals, use any ideas contained in the proposals and is not obligated in any manner to reimburse the proposers for the costs incurred in connection with responding to this Request for Proposals.

The Selection Committee intends to recommend the firm that, in its opinion, best meets the O.H.P.A's needs, not necessarily the firm with the highest fees.

Any requests for clarification or additional information regarding this RFP are to be submitted in writing to the City of Norwalk's Purchasing Department, Room 103, 125 East Avenue, Norwalk CT 06856-5125, via fax to (203) 854-7817, via e-mail to gfoley@norwalkct.org and must be received no later than the time and date noted on the invitation page of this RFP solicitation document. If any substantive requests for information are received and responded to by the City of Norwalk, an addendum to this RFP will be issued.

1.1 PARK DESCRIPTION

Oak Hills Park is located at 165 Fallow Street. It is owned by the City of Norwalk and managed by the Oak Hills Park Authority (O.H.P.A.). The O.H.P.A. leases this property from the City of Norwalk. O.H.P.A. current lease of Oak Hills Park expires February 1, 2017. A copy of the original lease document and the first amendment to the lease are attached as exhibits to this RFP solicitation (Lease document: Sixty-four (64) pages; Amendment document: three (3) pages). The entire Oak Hills Park Property consists of approximately 144 acres. It has an eighteen (18) hole golf course, eight (8) Har-Tru tennis courts, and other facilities.

The Oak Hills golf course is a par 71 course with a rating of 125 for men and 119 for ladies, and a total yardage of 6,307. The course services the residents of Darien, New Canaan, Westport, Wilton as well as Norwalk. The course is open year round, weather permitting, with an average of between 35,000 to 50,000 rounds of golf played annually. With this current usage, presently only Mondays are set-aside for approved golf tournaments. During the summer months, the first tee off time is 5:57am and the last tee off time is 7:00pm.

Oak Hills also has a 5,900 square feet Club House restaurant structure. This new Club House restaurant consists of a 120 seat capacity dining room, a 20 seat grille room area, a kitchen area, bathrooms, storage areas and a small porch. The building was designed to integrate with the site topography. The layout and orientation of the building was designed to maximize views of the Oak Hills Park picturesque golf course.

The O.H.P.A. is seeking a qualified developer to develop, construct and operate an outdoor golf driving range located within the existing footprint of the Oak Hills Park Golf Course area. The proposed area for this new outdoor golf driving range is depicted on the attached illustration (X pages) For the privilege of operating such golf driving range, the developer shall pay O.H.P.A. an annual lease fee for its use of the park property, plus remit to O.H.P.A. a percentage of the annual gross receipts which are defined as the total of all golf driving range revenue, merchandise, food and beverage sales. The successful developer shall also be responsible for all utilities directly related to the operation of the golf driving range facility.

1.2 OBJECTIVE OF THE REQUEST FOR PROPOSALS

The O.H.P.A. intends to grant the successful proposer an exclusive license to develop, construct and operate an outdoor driving range facility in the park. The O.H.P.A.'s goals are to provide the public with a first class driving range that affords a premium level of service and; ensures that O.H.P.A. receives an adequate and appropriate level of compensation from the Firm selected to operate the driving range on park property to a qualified Firm that will accomplish the following:

- Investigate the health of the Golf Driving Range Industry locally and ascertain whether or not an opportunity exists within the O.H.P.A. property for development, construction and operation of a new outdoor golf driving range facility;
- Develop, construct and operate the driving range at no cost to the O.H.P.A.;
- Maximize attendance volumes through strategies that consider: visibility, ease of use, etc;
- Develop a marketing plan to promote the driving range that maximizes the use of the driving range facility through such avenues as: promotional advertising, merchandising, instructional videos, etc;
- Development of community reachout plan to increase the current usage of participation in the use of the current golf range.

- Install walking trails in areas around the driving range to promote other use of the park for non golfers
- Maintain the wooded feel in the area with the replacement of cleared trees with new trees around the course to replace the ones removed
- It is critical that the environmental impact be as low as possible. This must be a critical part of any successful proposal

1.3 POLICY OF THE OAK HILLS PARK AUTHORITY.

The Oak Hills Park Authority desires that the public shall be encouraged to use the driving range facility as fully as feasible, and to this end it expects the successful proposer to organize, supervise, and advertise its operation. The successful proposer shall not provide or sell food or drinks to the users of the driving range facility without first obtaining the permission of the operator of the restaurant at the Oak Hills Park. The operation of the proposed driving range will be the sole source of revenue for the winning operator. Lessons, golfing products, and camps will be provided by a member of the OHPA team and or the golf pro of OHPA, unless otherwise negotiated with the OHPA.

1.4 RESPONSIBILITIES OF THE SUCCESSFUL PROPOSER.

The following are selected areas of responsibilities which shall be required of the successful proposer. Any award of contract resulting in an agreement between O.H.P.A. and the proposed as a result of this RFP shall be exclusive at the proposed site only.

The following are selected areas of responsibilities which shall be required of the successful proposer. Any award of contract resulting in an agreement between O.H.P.A. and the proposed as a result of this RFP shall be exclusive at the proposed site only.

A. Research

Research the existing site conditions and obtain necessary site reference material for site analysis studies. Work in conjunction with O.H.P.A. for site detail, restrictions and other pertinent information.

B. Site Visitation

Visit the site to review extensively all topographic elements relevant to the project. Successful operator/bidder will also have planned meetings with the neighbors to review plans and address the concerns of the tax payers of Norwalk

C. Conceptual Schematic Plans

Prepare detailed requirements for the construction of the golf driving range facility and propose a target date for opening.

D. Final Conceptual Plans

Provide O.H.P.A. with construction rendering including, but not limited to, parking, hitting station configuration (ex. one-tier, two-tier), number of stations.

E. Preliminary Construction Cost Estimates and Budget Information

Prepare a detailed preliminary cost estimate based on the preliminary (schematic) design of the total construction cost.

F. Final Construction Cost Estimates and Budget Information

Prepare a detailed preliminary cost estimate based on the final conceptual design of the total construction cost.

G. Demographic and Pro forma Data Analysis

Prepare a detailed potential revenue projection using available demographic and industry Averages of similar data from other areas in the northeastern section of the country.

H. Cleanliness:

Proposer shall, at its own expense, keep the driving range facility and the immediate surrounding areas clean and sanitary at all times. No offensive or refuse matter, nor any substance constituting an unnecessary, unreasonable, or unlawful hazard, nor any material detrimental to public health or safety, shall be to remain thereon, and the developer shall prevent any such matter or material from being or accumulating upon the driving range facility and the immediate surrounding areas.

I. Utilities:

The proposer shall be responsible for utility charges. Charges may include, but are not limited to, deposits, installation costs, meter deposits, and all service charges for electricity, telephone, and other utility services to the driving range facility, and shall be paid by the developer regardless of whether such utility services are furnished by the O.H.P.A. or by other utility service providers.

J. Maintenance of Equipment

Proposer shall, at all times and its own expense, keep and maintain all equipment in good repair and in a clean, sanitary, and orderly condition and appearance. All equipment and maintenance of the equipment needed to run a safe operation is the sole expense of the operator.

K. Obligations of the Proposer

1. Obtain, its own expense, all necessary permits and approvals for the operation of a driving range facility in the City of Norwalk;
2. Maintain all equipment and immediate surrounding areas in a state of cleanliness and repair to prevent injuries to the public;
3. Be responsible for keeping the driving range facility and immediate surrounding areas free of trash, litter and debris;
4. Afford the public access to the driving range facility;
5. Operate as an independent contractor responsible for all applicable taxes;
6. By the 15th calendar day of each succeeding month, furnish a detailed monthly statement of receipt (in a format to be mutually agreed upon at later date) along with the monthly license fee and the agreed upon commission fee based on total gross revenues.
7. Provide all advertising and signage for the operation for the driving range facility;
8. Allow for inspections by the appropriate O.H.P.A. staff at all times
9. Comply with all current O.H.P.A. practices, including compliance with current O.H.P.A. policies and forgo the sale of glass bottles and chewing gum.
10. Fulfill all other requirements outlined in section 1.2 of this document.

1.5 CONTRACTUAL PROVISIONS

The following are selected contractual provisions which shall be required of the winning proposer.

A. Term

The term of the Agreement shall be for ten (10) years, effective on the date of execution.

B. Hours of Operation

The O.H.P.A and proposer agree to negotiate the hours of operation, days of service, and the length of the operation season, which approvals shall not be unreasonably conditioned or delayed. The O.H.P.A and proposer agree to meet annually prior to May 1 of each season to mutually agree upon the days and hours of operation for each season.

C. Insurance

The Proposer shall indemnify, defend and hold harmless the City of Norwalk and Oak Hills Park Authority from all claims and loss growing out of the operation of the driving range facility and shall maintain an insurance policy in effect during the lease period, as required by the policies and ordinances of the City of Norwalk.

The insurance required of the Proposer is subject to the coverage terms, conditions and limits of liability set forth on Page _____, "Insurance" of the Lease between the Proposer and the Oak Hills Park Authority. It is further agreed that the Proposer will name the City of Norwalk as an Additional Insured on all required liabilities policies stipulated in such Lease.

D. Public Access

The selected proposer understands the Oak Hills Park Golf Course is part of the public domain and is to remain open and accessible to the public in a manner that is compatible with the use of the driving range facility as contemplated by the resulting agreement.

1.6 CONTRACT AWARD

Upon approval and authorization of the contract agreement by the O.H.P.A., the O.H.P.A. will notify the selected proposer and forward the contract agreement for execution. The fully executed contract agreement shall be returned to the O.H.P.A. accompanied by a performance bond or escrow check in the full amount of the construction cost and; additionally provide evidence of the required insurance coverage levels. The selected proposer may commence work pursuant to the contract award upon receipt of a written notice to proceed from O.H.P.A.

1.7 PRIME PROPOSER RESPONSIBILITY

Vendors submitting proposals to this RFP may utilize the services of subcontractors. If subcontractors are planned to be used, this should be clearly explained in the proposal. The prime proposer will be responsible for the entire contract performance whether or not subcontractor is to perform.

All corporate information required in this RFP must be included for each proposed subcontractor. The proposal must also include copies of any agreements to be executed between the prime proposer O.H.P.A. retains the right to approve all subcontractors.

1.8 PERSONNEL

The personnel and commitments identified on any proposer's proposal will be considered essential to the work to be performed under this RFP. Prior to diverting any of the specified individuals to other programs or changing the level of effort of the specified individuals, the proposer must notify the O.H.P.A. fourteen (14) days in advance and will be required to submit justification, including proposed substitutions, in sufficient detail, to permit evaluation of the impact on the project. The proposer will make no deviation without the prior written consent of the O.H.P.A. Replacement of personnel will be with personnel of equal ability and qualifications.

Any employee of the proposer, who in the sole opinion of the O.H.P.A. is unacceptable, shall be removed from the project pursuant to the request of O.H.P.A.. The proposer will have fourteen (14) days to fill the vacancy with another employee of acceptable technical experience and skills subject to the written approval of the O.H.P.A..

The O.H.P.A. shall have the right to reject or terminate any of the staff provided by the proposer with 24-hour notice, and the proposer shall be able to provide immediate, temporary replacement and within 40 days, provide permanent replacement.

1.9 AVAILABILITY OF FUNDS

The contract award under this RFP may be contingent upon the availability of funds to the O.H.P.A. for this project. In the event that funds are not available, any contract resulting from this RFP may become void and of no force and effect.

1.10 PAYMENT

The proposer shall submit monthly payments of their proposed fee to the O.H.P.A.. Any payment received later than ten (10) business days of the due date will subject to an assessment of a late fee of 4% of the amount due.

1.11 TERMINATION FOR DEFAULT OR FOR THE CONVENIENCE OF THE CONTRACTING AGENCY

Performance under this contract resulting from this RFP may be terminated by the O.H.P.A. whenever;

The proposer, in the sole opinion of the O.H.P.A., is in default in the performance of the contract and shall fail to correct such default within the period specified by the contracting officer in a notice specifying default; or the contracting officer shall determine that termination is the the best interest of the O.H.P.A..

Termination will be effected by delivery to the proposer of a notice to terminate, stating the date upon which the termination becomes effective. Upon receipt of the notice to terminate, the proposer shall:

- Stop all work
- Assign to the O.H.P.A. all rights, title and interest in the work being developed;
- Deliver forthwith to the O.H.P.A. all completed work and work in progress;
- Preserve and protect, until delivery to the O.H.P.A., all material plans, and documents related to this contract which, if the contract had been completed, would have been furnished to the O.H.P.A. or necessary to the completion of the work.

1.12 NEGOTIATED CHANGES

In the event negotiated changes occur after the awarding of the contract, the same pricing policies called for in the original contract will remain in effect.

1.13 CONTRACT AGREEMENT

The selected proposer will be required to agree to and sign a formal written contract between the O.H.P.A. and the proposer, prepared by the Legal Counsel of the O.H.P.A.. A sample Independent Contractor for Consulting Services contract form, is provided at the end of this section to illustrate the type of contract the O.H.P.A. will use to contract for these consulting services.

1.14 RIGHT OF SET-OFF

The undersigned bidder hereby authorizes the City to set off against monies payable hereunder by the City to the bidder, an amount equal to any unpaid real and personal property taxes and assessments (the collection of which is not barred by the State of Limitations), owing by the bidder to the City, including all interest and lien charges in connection with such paid taxes.

1.15 DURATION OF PROPOSALS

Proposals will remain in effect for a period of ninety (90) days from the deadline for submission of the proposal.

1.16 ACCEPTANCE OF RFP CONTENT

Provisions of this RFP and the contents of the successful response will be used to establish final contractual obligations. The City retains the option of canceling the award if the successful Respondent fails to accept such obligations. The O.H.P.A. and the successful Respondent shall enter into a written contract for the work to be performed.

It is understood that this RFP and the Respondent's proposal shall be attached and included by reference in a contract signed by the O.H.P.A. and the successful Respondent.

1.17 RESPONSE SUBMISSIONS

The objectives of this request for proposals are to identify the organizations best qualified to perform the services and to identify the most practical proposals in order for the Oak Hills Park Authority to make an informed award decision, the proposers must provide any and all information to fully and clearly address the information provided in this RFP.

All responses to this RFP must be in sealed envelopes and marked with the RFP reference title, the RFP number, and due date and time. The Proposer's name and address must appear on the envelope. Proposals should put forth full, accurate, and complete but concise information as required by this request. In addition to the Proposal Response Form, the proposal should include:

- A. Title Page. This should include your company name, address, telephone and fax numbers, and person to contact regarding this proposal with e-mail address.
- B. Executive Summary: Provide a brief history of your firm, company structure, and identify the key acquired proficiencies in the development, construction and operation of golf driving range facilities. Provide a statement that outlines which attributes distinguish your

firm from other firms. Provide an outline the firm's experience with the development, construction and operation of similar golf driving range facilities

- C. Services – Proposers Required Responsibilities: Provide complete and detailed responses to the all of the items outlined within section 1.5 of this RFP solicitation document, with the exception of item F.
- D. Project Team Organization and Staffing: Provide an organizational chart for the proposed staff for this project, including any consultants. Identify the Principal of the firm who will be responsible for the project and include resumes of all key project team members. Provide a brief description of similar projects in which the key personnel may have worked together as a team. Include previous assignment information such as title, length of time on job, references and contact information.
- E. Project Approach: Describe your project approach and how your staff and consultants will be organized and utilized both during design, construction and operation phases.
- F. References: The proposer must have not less than five (5) years of operational experience. Provide at least three (3) references that will be able to verify the quality of your firm's services, technical ability and proposed key staff, with title, position, their relationship to the project, and telephone numbers. The O.H.P.A. intends to review the proposals submitted and select a short list for interviews. Once this short list is developed the Oak Hills Park Authority intends to check references submitted.
- G. Financial Information: Proposer should submit information concerning their financial capacity and their capabilities to undertake and successfully carryout its responsibilities as they relate to this project. To satisfy this requirement, the proposer must provide the following with their submission: Proposer's name and address of the Financial Institution is being proposed to handle the finances for this project. Certified financial statements reflecting proposer's financial position for the proposer's most recent calendar year. If a financial statement is not available, then submit either a reviewed or compiled statement from an independent accountant setting forth the same information.
- H. Driving Range Facility: Proposers shall include a detailed narrative describing the style / type of the driving range facility that they plan to develop, construct and operate, including but not limited to, proposed level of services, proposed program(s), number of employees, etc. Proposers shall include a detailed narrative of their proposed marketing plan to promote the driving range facility operation Proposers should propose an amount of funding to be put aside yearly from the driving range facility revenues for maintenance costs
- I. Proposal Response Forms (Section 2.2). Proposers should assume a ten (10) year lease. Proposers should provide annual lease amounts that include yearly increases. Additionally, proposers should provide an overview of their proposed revenue sharing methodology. (Ex. Annual payment of X % for all gross revenues in excess of XXX,XXX dollars))

1.18 INSURANCE REQUIREMENTS

The Proposer shall indemnify, defend and hold harmless the City of Norwalk and Oak Hills Park Authority from all claims and loss growing out of the operation of the tennis court facility and shall maintain an insurance policy in effect during the lease period, as required by the policies and ordinances of the City of Norwalk.

The insurance required of the Proposer is subject to the coverage terms, conditions and limits of liability set forth on Page 3, "Insurance" of the Lease between the Proposer and the Oak Hills Park Authority. It is further agreed that the Proposer will name the City of Norwalk as an Additional Insured on all required liabilities policies stipulated in such Lease.

1.19 PROPOSAL EVALUATION

Following initial review, candidates may be short-listed. Semi-finalists may be invited to make a presentation, followed by a question and answer period. The Oak Hills Park Authority may elect to select two or more firms for a second interview.

1.20 EVALUATION CRITERIA

The Oak Hills Park Authority anticipates evaluating the proposals based on the following criteria:

- Proposer's proposed lease fee, financial arrangement, capital plan and term of lease
- Proposer's experience in the design and development of golf driving range facilities
- Proposer's Financial soundness / stability
- Proposer's proposed method of operation, including proposed hours of operation.
- Proposer's experience with operation of municipal driving range facilities
- Proposer's experience with operation of driving range facilities in general.
- Proposer's proposed marketing plan
- Proposer's commitment to implementing and supporting long term, quality services.

SECTION 2 - RESPONSE FORMS

SPECIAL NOTES ON RESPONDING

ADDENDA information is available over the Internet at <http://www.norwalkct.org>. Adobe Acrobat reader is required to view this document. If you do not have this software you may download it for free from Adobe. We strongly suggest that you check for any addenda a minimum of forty eight hours in advance of the bid deadline.

SUMMARIES will be available any time after 5:00 PM on the day of the bid opening over the Internet at <http://www.norwalkct.org>. The document number to request will be the same as the project number indicated in the invitation to bid. Bid results will not be provided over the phone.

AWARD NOTIFICATION will be issued by mail.

BUSINESSES WITHOUT FAX EQUIPMENT or Internet access may contact the Purchasing Department at 203-854-7712 for this information.

RFP RESPONSES Original + ten (10) copies are to be delivered to:

City of Norwalk Purchasing Department
125 East Avenue, Room 103
P.O.Box 5125
Norwalk, Ct. 06856-5125

See section 3 for information on delivering bids by fax..

2.1 FORM OF PROPOSALS:

All proposals must include the materials outlined within section 1.17 and repeated below:

- A. Title Page. This should include your company name, address, telephone and fax numbers, and person to contact regarding this proposal with e-mail address.
- B. Executive Summary: Provide a brief history of your firm, company structure, and identify the key acquired proficiencies in the development, construction and operation of golf driving range facilities. Provide a statement that outlines which attributes distinguish your firm from other firms. Provide an outline the firm's experience with the development, construction and operation of similar golf driving range facilities
- C. Services – Proposers Required Responsibilities: Provide complete and detailed responses to the all of the items outlined within section 1.5 of this RFP solicitation document, with the exception of item F.
- E. Project Team Organization and Staffing: Provide an organizational chart for the proposed staff for this project, including any consultants. Identify the Principal of the firm who will be responsible for the project and include resumes of all key project team members. Provide a brief description of similar projects in which the key personnel may have worked together as a team. Include previous assignment information such as title, length of time on job, references and contact information.
- E. Project Approach: Describe your project approach and how your staff and consultants will be organized and utilized both during design, construction and operation phases.
- F. References: The proposer must have not less than five (5) years of operational experience. Provide at least three (3) references that will be able to verify the quality of your firm's services, technical ability and proposed key staff, with title, position, their relationship to the project, and telephone numbers. The O.H.P.A. intends to review the proposals submitted and select a short list for interviews. Once this short list is developed the Oak Hills Park Authority intends to check references submitted.
- G. Financial Information: Proposer should submit information concerning their financial capacity and their capabilities to undertake and successfully carryout its responsibilities as they relate to this project. To satisfy this requirement, the proposer must provide the following with their submission: Proposer's name and address of the Financial Institution is being proposed to handle the finances for this project. Certified financial statements reflecting proposer's financial position for the proposer's most recent calendar year. If a financial statement is not available, then submit either a reviewed or compiled statement from an independent accountant setting forth the same information.
- H. Driving Range Facility: Proposers shall include a detailed narrative describing the style / type of the driving range facility that they plan to develop, construct and operate, including but not limited to, proposed level of services, proposed program(s), number of employees, etc. Proposers shall include a detailed narrative of their proposed marketing plan to promote the driving range facility operation Proposers should propose an amount of funding to be put aside yearly from the driving range facility revenues for maintenance costs.
- I. Proposal Response Forms (Section 2.2). Proposers should assume a ten (10) year lease. Proposers should provide annual lease amounts that include yearly increases. Additionally, proposers should provide an overview of their proposed revenue sharing methodology. (Ex. Annual payment of X % for all gross revenues in excess of XXX,XXX dollars)

You may include any additional information which demonstrates your qualification for this work.

2.2A PRICING RESPONSE FORM

Vendor Name _		
Address _		
Phone _	Fax _	Email _
Manager _		Fed ID#

The undersigned hereby declares that he has carefully examined the plans, specifications and project site and is satisfied with all the quantities and conditions, and understands that in signing this proposal he waives all right to plead any misunderstanding regarding the same.

The undersigned further understands and agrees that he will furnish and provide all the necessary material, machinery, implements, tools, labor, services, and other items of whatever nature, and to do and perform all the work necessary to make the facility complete and operational.

It is further understood and agreed that all information included in, attached to, or required by the Request for Proposal shall be public record upon delivery to the City.

Proposed – Pricing – Seasonal Operation of the Driving Range Facility

1. Lease Period June 1, 2013 – May 31, 2014	
Total 2013 Lease Fee Proposed	\$
2. Lease Period June 1, 2014 – May 31, 2015	
Total 2014 Lease Fee Proposed	\$
3. Lease Period June 1, 2015 – May 31, 2016	
Total 2015 Lease Fee Proposed	\$
4. Lease Period June 1, 2016 – May 31, 2017	
Total 2016 Lease Fee Proposed	\$
5. Lease Period June 1, 2017 – May 31, 2019	
Total 2017 Lease Fee Proposed	\$
6. Lease Period June 1, 2018 – May 31, 2019	
Total 2018 Lease Fee Proposed	\$
7. Lease Period June 1, 2019 – May 31, 2020	
Total 2019 Lease Fee Proposed	\$
8. Lease Period June 1, 2020 – May 31, 2021	
Total 2020 Lease Fee Proposed	\$
9. Lease Period June 1, 2021 – May 31, 2022	
Total 2021 Lease Fee Proposed	\$
10. Lease Period June 1, 2022 – May 31, 2023	
Total 2022 Lease Fee Proposed	\$
Total Lump Sum Proposed Lease Fee for ten (10) year period	
\$	
Total Lump Sum Proposed Lease Fee for ten (10) year period <u>in Writing</u>:	

Submitted by _	
Authorized Agent of Company (name and title)	Date

The above signatory acknowledges receipt of the following addenda issued during the bidding period and understands that they are a part of the bidding documents (if applicable):

Addendum #	.	Dated	.	Addendum #	.	Dated	.
Addendum #	.	Dated	.	Addendum #	.	Dated	.

2.2B PRICING RESPONSE FORM

Vendor Name _		
Address _		
Phone _	Fax _	Email _
Manager _		Fed ID#

The undersigned hereby declares that he has carefully examined the plans, specifications and project site and is satisfied with all the quantities and conditions, and understands that in signing this proposal he waives all right to plead any misunderstanding regarding the same.

The undersigned further understands and agrees that he will furnish and provide all the necessary material, machinery, implements, tools, labor, services, and other items of whatever nature, and to do and perform all the work necessary to make the facility complete and operational.

It is further understood and agreed that all information included in, attached to, or required by the Request for Proposal shall be public record upon delivery to the City.

Proposed – Supplemental Revenue Sharing Model – Seasonal Operation of the Driving Range Facility :

1. Period of June 1, 2013 – May 31, 2017 Gross Revenue Receipts Revenue Sharing	
A. \$0.00 to \$249,999.99	_____ % of gross revenue receipts
B. \$251,000.00 to \$499,999.99	_____ % of gross revenue receipts
C. \$500,000.00 to \$749,999.99	_____ % of gross revenue receipts
D. \$750,000.00 to \$999,999.99	_____ % of gross revenue receipts
E. Over \$1,000,000.00	_____ % of gross revenue receipts

2. Period of June 1, 2017 – May 31, 2022 Gross Revenue Receipts Revenue Sharing	
A. \$0.00 to \$249,999.99	_____ % of gross revenue receipts
B. \$250,000.00 to \$499,999.99	_____ % of gross revenue receipts
C. \$500,000.00 to \$749,999.99	_____ % of gross revenue receipts
D. \$750,000.00 to \$999,999.99	_____ % of gross revenue receipts
E. Over \$1,000,000.00	_____ % of gross revenue receipts

Note: If you are proposing an alternative revenue sharing model as an exhibit to your proposal submission documents.

Submitted by _	
Authorized Agent of Company (name and title)	Date

The above signatory acknowledges receipt of the following addenda issued during the bidding period and understands that they are a part of the bidding documents (if applicable):

Addendum #	.	Dated	.	Addendum #	.	Dated	.
Addendum #	.	Dated	.	Addendum #	.	Dated	.

2.3 STATEMENT OF QUALIFICATIONS

Please answer the following questions regarding your company's past performance.
(Failure to provide this information may be regarded as justification for rejecting a bid.)

1. Number of years in business _____.

2. Number of personnel employed: Pt. time _____, Full _____,

3. List any contracts of this type/size your firm has completed within the last three years, include dates of operation:

4. ORGANIZATIONAL STRUCTURE OF BIDDER (check which applies)	☐	general partnership
	☐	limited partnership
	☐	limited liability corporation
	☐	limited liability partnership,
	☐	corporation doing business under a trade name
	☐	individual doing business under a trade name
	☐	other (specify)

5. STATUS OF THE BUSINESS AND ITS CURRENT STANDING WITH THE SECRETARY OF STATE'S OFFICE; e.g., are all required filings current and in good standing or has the entity been withdrawn or canceled	Connecticut corporations _ Will the Secretary of State be able to issue a Certificate of Good Standing within 30 days of the bid opening?	Yes	No
		☐	☐
	Out_of_State corporations _ Do you have a valid license to do business in the State of Connecticut? (Evidence in the form of a Certificate of Authority from the Connecticut Secretary of State will be required within 30 days of the bid opening.)	Yes	No
		☐	☐

6. Is your local organization an affiliate of a parent company? If so, Indicate the principal place of business of your company and the name of the agent for service if different from what has been indicated on the response form:					
Business Name					
Address					
City		State		Zip	
Name of Agent					

NOTE: In the case of a Limited Liability Corporation or a Limited Liability Partnership a certified copy of the Articles of Organization certified as valid and in effect as of the date of the bid opening will be required within 30 days of the bid opening.

A listing of the corporate officers, in the case of a corporation; the general or managing partners, in the case of a partnership; or the managers and members in the case of either a limited liability partnership or company will be required within 30 days of the bid opening.

7. Your company may be asked to submit the following information relative to your company's financial statements prior to receiving an award. This information will not be part of the public bidding record and will remain confidential.

All information should be supported with appropriate audited financials.

- Book Value (Total Assets ☐ Total Liabilities)
- Working Capital (Current Assets ☐ Current Liabilities)
- Current Ratio (Current Assets/Current Liabilities)
- Debt to Equity Ratio (Long Term Debt/Shareholder's Equity)
- Return on Assets (Net Income/Total Assets)
- Return on Equity (Net Income/Shareholder's Equity)
- Return on Invested Capital (Net Income/Long Term Debt = Shareholders' Equity)

8. SUBCONTRACTORS: If subcontractors are to be used, please list firm name, address, name of principal, and phone number below or on a separate sheet. Also indicate portion or section of work subcontractor will be performing.

COMPANY NAME	ADDRESS	PRINCIPAL	PHONE

9. Insurance Agency Name - _____ Tel.- _____
Agency Address - _____

All responses to this questionnaire are understood to be proprietary to the vendor, and will be considered confidential.

Additional information may be requested subsequent to your responding to this proposal.

SECTION 3 - GENERAL INFORMATION

NOTE: SECTION 3 _ GENERAL INFORMATION contains the City's Standard Terms and Conditions. You are responsible for obtaining a copy prior to bidding. If you do not have a revision dated 011205 or later on file you may obtain a copy over the Internet at <http://www.norwalkct.org> Adobe acrobat reader is required to view this document. If you do not have this software you may down load it for free from Adobe. Request document number 1006.

SECTION 4
CITY OF NORWALK GENERAL SPECIFICATIONS FOR CONSTRUCTION

(Note: Page numbering in this section is not sequential with other sections within this document)

NOTE: SECTION 4 contains the City's General Terms and Conditions for construction. You are responsible for obtaining a copy prior to bidding. If you do not have a revision dated 042011 or later on file you may download a copy from the Terms and Conditions section of our website at the Internet at <http://www.norwalkct.org> Document number 1008.

SECTION 5
LIVING WAGE ORDINANCE
GENERAL INFORMATION

Rev. 062211, Express Request Doc. #1019

NOTE: SECTION 5 contains information concerning City's Living Wage Ordinance. You are responsible for obtaining a copy prior to bidding. If you do not have a revision dated 062211 or later on file you may download a copy from the Terms and Conditions section of our website at <http://www.norwalkct.org> Document number **1019**

EXHIBITS

- Copy of Existing Lease Agreement [Sixty-four (64) Pages]
- Copy of First Amendment to the Existing Lease Agreement [Three (3) Pages]