

GOVERNMENT OF
THE VIRGIN ISLANDS OF THE UNITED STATES

Request for Proposal - Negotiation
PROFESSIONAL SERVICES

To: Date August 1, 2017
..... RFP-012-2017 (Professional)

Pursuant to 31 V. I. C. § 239 (a) (4) and the Rules and Regulations thereunder issued, the Government of the Virgin Islands, Property and Procurement, will receive proposals for the work described below. Proposals will be received until **Wednesday, August 30, 2017 at 4:00 P.M.**

DESCRIPTION OF WORK

The Government of the Virgin Islands, Department of Property and Procurement is requesting proposals from qualified contractors for the following services: **RFP-012-2017 (P) To Provide Revenue Generating Advertising & Marketing Service for the Public Transit System (VITRAN) U.S. Virgin Islands.**

SCOPE OF SERVICES: SEE ATTACHED

NEGOTIATED PROCEDURES:

The Commissioner of the Department of Property and Procurement will appoint a Selection Committee to assist in the evaluation and selection of the Contractor. Accordingly, current data on qualifications and performance should be submitted with proposals. After reviewing the qualifications and proposals, the Committee will select for discussions from the firm/s or person/s considered not less than three (3), in order of preference, **deemed to be the most highly qualified to provide the services herein required.** Discussions will be conducted successively and severally with the firms or persons so selected regarding the anticipated concepts and the relative utility of alternative methods of approach for furnishing the services hereunder.

FACTORS FOR DISCUSSIONS:

Selection criteria will include (i.) Professional qualifications, registration and general reputation of the principals of the firm; (ii) the extent to which the firm or person specialized in or has designed project of a type and scope similar to that hereunder; (iii) familiarity with the area in which the project is to be located; (iv) capability of meeting schedules; and (v) quality of performances on other projects.

NEGOTIATION:

The Selection Committee shall recommend to the Commissioner **the highest qualified firm or persons with whom a contract shall be negotiated.** The Commissioner, with the assistance of the Selection Committee shall negotiate a contract with such firm or person.

Should the Commissioner be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm will be formally terminated? Negotiations will then be commenced with the second most qualified, the third most qualified or additional firms, in order of preference and their competence and qualification, and shall continue until an agreement is reached.

Lloyd T. Bough Jr.
Commissioner
Property and Procurement

INSTRUCTION TO PROPOSERS

A. NOTICE

This project is for, the following services: **RFP-012-2017 (P) To Provide Revenue Generating Advertising & Marketing Service for the Public Transit System (VITRAN) U.S. Virgin Islands.**

Information provided in the scope of work is to be used only for purposes of preparing a proposal. It is further expected that each bidder will read the scope of work with care, for failure to meet certain specified conditions may invalidate the proposal.

The Government of the Virgin Islands, hereinafter referred to as GVI, reserves the right to reject any or all proposals or any portion thereof and to accept the proposal deemed most advantageous to GVI. Price shall not be the sole criterion of awarding this project. Scope and quality of work proposed and the ability of the bidder to complete this type of project shall be considered.

Applicants are requested to submit proposals based on the scope of work. Alternative proposals recommending new features and technology other than that requested in the scope of work will receive consideration providing such new features and/or technology is clearly explained. Any exceptions to the requirements requested herein must be clearly noted in writing and be included as part of the proposal.

The information contained herein is believed to be accurate, but is not to be considered in any way as a warranty. Request for additional information clarifying the Scope of Work should be directed in writing to **Procurement Officer, Alexis J. Leycock at alexis.leycock@dpp.vi.gov.**

B. STATEMENT OF PURPOSE

This project has been addressed to assist the Government of the Virgin Islands in meeting The need for the following services: **RFP-012-2017 (P) To Provide Revenue Generating Advertising & Marketing Service for the Public Transit System (VITRAN) U.S. Virgin Islands.**

C. PROPOSED SCOPE OF WORK

SEE ATTACHED

D. TIMETABLE.

1. Proposals will be accepted at the Department of Property and Procurement, no later than **Wednesday, August 30, 2017 at 4:00 P.M.**
2. Last Day for request for written clarification question will be: **Wednesday, August 16, 2017 at 4:00 P.M.**

E. SUBMISSION OF PROPOSAL

All interested parties shall submit five (5) sets of proposals (one (1) original and four (4) copies), which are to be delivered to the Department of Property and Procurement during normal business hours, no later than Wednesday, August 30, 2017 at 4:00 P.M.

They shall be addressed to:

Lloyd T. Bough Jr.
Commissioner
Department of Property and Procurement
#3274 Estate Richmond, Christiansted
St. Croix, U.S. Virgin Islands 00820-4200

The sealed envelope containing the proposal must have the following information written on the outside of the envelope:

SEALED PROPOSALS - DO NOT OPEN

RFP-012-2017(P)

(Name of Offeror)

(Mailing Address of Offeror)

(Telephone Number of Offeror)

(Fax Number of Offeror)

Where proposals are sent by mail, the bidder shall be responsible for their delivery to the Department of Property and Procurement before the date and time set for the closing of acceptance of proposals.

F. WITHDRAWALS OF PROPOSAL

A proposal may be withdrawn at any time prior to the time specified as the closing time for acceptance of proposals. However, no proposal shall be withdrawn or canceled for a period of thirty (30) days after said closing time for acceptance of proposals nor shall the successful provider withdraw or cancel or modify his proposal, except at the request of GVI after having been notified that said proposal has been accepted by GVI.

G. INTERPRETATION OF SPECIFICATIONS

If any person contemplating submitting a proposal requires clarification of any part of the scope of work, he/she may submit to the GVI a written request for an interpretation thereof to the **Procurement Officer, Alexis J. Leycock** GVI will not respond to questions received after the above-established date. The person submitting the request will be responsible for its prompt delivery. Any interpretation of the scope of work will be made in writing to all prospective providers. Oral explanations will not be binding.

H. CONSIDERATION OF PROPOSAL

The Commissioner of Property and Procurement shall represent and act for GVI in all matters pertaining to the scope of work and contract in conjunction therewith. **This RFP does not commit GVI to the award of a contract, nor pay any cost incurred in the preparation and submission of proposals in anticipation of a contract. GVI reserves the right to reject any or all proposals and to disregard any informality and/or irregularity in the proposal when, in its opinion, the best interest of GVI will be served by such action.** Proposals failing to provide some of the items in the scope of work shall not be rejected per se, but any deviations from the scope must be clearly noted.

I. ACCEPTANCE OF PROPOSALS

GVI will notify in writing acceptance of one of the proposals. Failure to provide any supplementary documentation to comply with the vendor's proposal may be grounds for disqualification.

J. CONTENTS OF PROPOSAL

The following is a list of information to be included in the written proposal. Failure to comply with all the requirements as outlined may disqualify the applicant.

1. Introductory letter about the applicant:
 - a. Firm Name, address, fax and telephone
 - b. Type of service for which Firm is qualified.
2. Organization:
 - a. Names of Principals of Firm
 - b. Names of key personnel with experience of each and length of time in organization.
 - c. Number of staff available for assignment. (Local & Off-Territory)
 - d. Copy of Article of Incorporation

- e. Copy of Certificate of Resolution
 - f. Copy of Valid Business License
 - g. Copy of Certificate of Good Standing
- 3. Outside consultants that will be retained for this project and percentage of work to be sub-contracted.
 - 4. Project experience:
 - a. List of completed projects of similar type and estimated cost of each.
 - b. Current projects underway; scope; percentage completed to date and estimated cost of each.
 - 5. Project References: (including a notarized written consent from the authorized representative which must include: name; telephone number; email address and facsimile number).
 - 6. Project Approach:
 - a. Describe how you will approach this project and availability to perform the services requested.
 - 7. **Cost:** The Cost Proposal must be submitted in a separate sealed envelope.

K. CONFLICT OF INTEREST

A bidder filing a proposal hereby certifies that no officer, agent or employee of GVI has a pecuniary interest in this proposal or has participated in contract negotiations on behalf of GVI; that the proposal is made in good faith without fraud, collusion, or connection of any kind with any other Bidder for the same request for proposals; the Bidder is competing solely in its own behalf without connection, with, or obligation to, any undisclosed person or firm.

L. LICENSE REQUIREMENT

An award will not be made to any firm or individual doing business in the Virgin Islands to perform work with the Government of the Virgin Islands until evidence is submitted that the said firm or individual has a valid V. I. Business License to do similar business in the Virgin Islands. Bidders must submit hard copy of a valid V. I. Business license within ten (10) working days after award.

All Bidders bidding as Joint Ventures that do business in the Virgin Islands must be licensed as a Joint Venture in the Virgin Islands.

M. REQUIRED DOCUMENTS

1. PUBLIC LIABILITY: The successful bidder will be required to obtain and have in place public liability insurance and other insurance necessary as requested in this proposal package. Insurance policy(ies) shall name the Government of the Virgin Islands as “**Additional insured.**” The public liability insurance shall have a minimum limit of not less than **one hundred thousand (\$100,000.00) dollars** for any one occurrence for death or personal injury and **one hundred thousand (\$100,000.00) dollars** for any one occurrence for property damage. Offeror must provide public liability insurance with ten (10) working days after award.
2. WORKERS’ COMPENSATION: Within ten (10) working days after award of project the successful offeror must submit a copy of their certificate providing that his firm and his agents are covered by Workers Compensation Employee’s Liability.

FAILURE TO PROVIDE THE CERTIFICATES WITHIN THE STATED TIME PERIOD MAY RESULT IN THE PROPOSAL DEEMED AS NON-RESPONSIVE AND MAY BE IMMEDIATELY DISQUALIFIED WITH NO FURTHER CONSIDERATION GIVEN FOR POTENTIAL AWARDING OF THE CONTRACT.

N. REQUIREMENTS FOR CORPORATIONS:

1. ARTICLES OF INCORPORATION
2. CERTIFICATE OF CORPORATE RESOLUTION
3. CERTIFICATE OF GOOD STANDING

THESE WILL BE REQUIRED PRIOR TO AWARD OF CONTRACT.

REQUEST FOR PROPOSAL

1. PURPOSE

The Government of the Virgin Islands (GIV), on behalf of the Virgin Islands Department of Public Works (VIDPW), is seeking a qualified contractor to provide a revenue generating transit advertising and marketing service. The contractor will be responsible for managing all revenue generating advertising activities Territory-wide on the following designated VITRAN public transit assets: transit buses, bus shelters, ferry boats and transit facility. The contractor will manage sales and placement of advertising, production of advertising materials and other contractual duties.

2. DESCRIPTION OF SERVICE

VIDPW's public transit system VITRAN, currently operates routes on St. Croix, St. Thomas and St. John, 6:00 a.m. – 8:45 p.m., Monday- Saturday. The following VITRAN assets are available for advertising: twenty-two (22) transit buses, forty (40) bus shelters, two (2) ferry boats and one (1) transit facility. VIDPW reserves the right to alter the listing with a ten (10) day notice to the contractor. See **Appendix 1** for routes, **Appendix 2** for bus specifications, **Appendix 3-3a** for shelter specifications, **Appendix 4** for ferry boat specifications and **Appendix 5** for transit facility specifications.

3. SCOPE OF WORK

The Contractor will have the exclusive right to advertising and marketing relevant to designated VITRAN assets Territory-wide. The Contractor is responsible for managing the construction, installation, marketing and servicing of the VITRAN Advertising and Marketing Program.

- a. The Contractor assumes all responsibility for all materials and services provided under this contract.

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- b. The Contractor will give its best effort to sell advertising space and will operate a fully staffed business office to manage this effort. Contracts must be available to travel to the Virgin Islands within three (3) day if needed.
- c. Each Ad must present a sharp, clear, high-quality appearance. No layering of one ad upon another is permitted. The VIDPW's Deputy Commissioner of Transportation will be the sole determinant in judging whether an ad is in acceptable condition. The dimensions of ad material must not exceed or protrude further than the surface area of the bus, shelter, terminal or ferry.
- d. The contractor must have a workforce capable of ensuring proper installation, maintenance and removal of advertising displays. VIDPW requires that all advertising installations be non-permanent. The Contractor must ensure that all advertisements are manufactured, installed and removed in accordance with current industry standards and in such a way as to preserve the original appearance and condition of the surface on which the advertisement is placed. In the event damage occurs, the Contractor must reimburse VIDPW for the actual cost of repairs including labor, parts and materials, plus 25% administration overhead fee. Prior to undertaking repairs, VIDPW will provide three (3) business days notice to enable the Contractor time to inspect the subject damage if so desired.
- e. The Contactor will comply with generally accepted industry principles with respect to good taste and all applicable laws and regulations including by not limited to truth in advertising, copyrights and trademarks. All advertisements must be approved by VIDPW's Deputy Commissioner of Transportation via email or other written communication with at least three (3) business days notice. The Contractor will remove damage or unapproved ads within 24 hours of written notice from VIDPW's Deputy Commissioner of Transportation. It will remove all dated ads within five (5) calendar days from their expiration date. (Dated ads refers to advertising materials that are relevant to a specific time period or relevant to an event that has been completed.)
- f. The Contractor must not display ads that include the following: 1.) false, misleading or deceptive information; 2.) unlawful or illegal goods, services or activities; 3.) ads declaring unauthorized endorsements; 4.) ads that contain images or information demeaning to an individual or group of individuals on account of race, color, religion, national origin, ancestry, gender, age, veterans' status, disability, or sexual orientation; 5.) ads that contain

images or information that are violent, frightening or otherwise disturbing or harmful to minors; 6.) ads that promote escort services, dating services or sexually oriented business; 7.) ads containing images or information that would be deemed by a significant segment of the local public to be offensive, improper or in bad taste; 8.) and ads that promote the use of alcohol and/or tobacco.

- g. Any unsold spaces will become available to VIDPW for the purpose of inserting public service announcements or for publicity of VIDPW activities. With at least 24 hour notice, the Contractor may remove these announcement if the space is sold. The Contractor will keep the advertising material and will not alter or damage the material. The Contractor may place its own advertisements in empty spaces with prior written approval by VIDPW's Deputy Commissioner of Transportation.
- h. The Contractor will indemnify and hold harmless GVI in the event that the Contractor's ads are destroyed, defaced or otherwise affected in any way by vandalism, accidents or other acts. VIDPW will agree to report criminal activities to the Virgin Islands Police Department and the Contractor as soon as feasible.
- i. The Contractor agrees to maintain complete, accurate and up-to-date records of all advertising business conducted and to include such records with its regular payments to VIDPW. GVI will have the right to audit the Contractor's books, records and accounts relevant to the contract. The Contractor will provide requested information within thirty (30) days of written request by GVI. The Contractor must preserve all relevant books, records and accounts generated during the entire term of this agreement for at least three (3) years following the expiration/termination of the contract.
- j. The Contractor will make monthly payments to VIDPW due not later than ten (10) days after the first day of each month in accordance with the contract. Monthly payments must be accompanied by a schedule outlining advertisements displayed, gross revenue earned, and future earnings. Past-due payments received after the tenth day will be subject to a 10% penalty fee if paid within the month due; a 100% penalty fee will be applied if paid thereafter. Arrears of ninety (90) days will be grounds for termination of the contract and removal of all advertising materials from designated VITRAN assets at the expense of the Contractor.

4. REQUIRED PROPOSAL ELEMENTS

The Contractor must provide the following:

- a. A statement of qualification detailing prior professional experience in the areas of advertising and marketing, as well as the technical and financial capacity to fulfil the current scope of work. Contractors must presently operate, for 5 years at minimum, an advertising business. Contractors must provide three (3) references and photographs of successful installations executed.
- b. Comprehensive work plan
- c. Proposed compensation including specific percentage of gross advertising revenue and a minimum monthly guarantee for each year of the base term of the contract and for each option year of the contract.
- d. Rate cards outlining estimated rates for advertisement on designated VITRAN assets, including all applicable discounts for increased showing, frequency or length or posting.

5. CONTRACT TERM

Concession authority will be awarded for a base term of five (5) years with the option to extend for one additional five (5) year period at terms subject to the negotiation of the contractor and the Government of the Virgin Islands (GVI). Should VIDPW determine to exercise the extension, GVI will notify the Contractor in writing ninety (90) days prior to the end of the base term.

Prior to contract expiration, termination may be made by mutual agreement or immediately upon breach of the contractual agreement by the Contractor. Either party may give the other party ninety (90) days written notice of termination.

Following expiration, the agreement may continue on a month-to-month basis at the mutual agreement of both parties for a period not to exceed six (6) months.

6. COMPENSATION STRUCTURE

The Contractor must pay VIDPW thirty percent (30%) of the gross revenue generated through advertising on designated VITRAN assets or a minimum annual guarantee of two hundred thousand dollars (\$200,000), whichever is greater, for each year of the contract.

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7. DURATION OF RFP

The RFP will be posted for 45 days. At the end of the timeframe, proposals for a professional services contract will be considered.