



Boone County, Kentucky

REQUEST FOR PROPOSAL # BCFY21-0040

# NORTH POINTE PARK FITNESS AREA DESIGN SERVICES

ACCEPTANCE DATE: **May 4, 2021, 2:00 pm “local time”**

ACCEPTANCE PLACE: Boone County Fiscal Court – *Negometrix Platform*  
<https://app.negometrix.com/buyer/839>.  
**Time:** *May 4, 2021 02:00 PM Eastern Time (US and Canada)*  
**Join Zoom Meeting**  
<https://us02web.zoom.us/j/87948676559?pwd=OWhicXVSak0yN2h5cUlwb2ZpZ1JsUT09>  
**Dial by your location**  
*+1 646 558 8656 US (New York)*  
**Meeting ID:** *879 4867 6559*  
**Passcode:** *366486*  
Find your local number: <https://us02web.zoom.us/j/87948676559?pwd=OWhicXVSak0yN2h5cUlwb2ZpZ1JsUT09>

Requests for information related to this Invitation should be directed to *David Whitehouse, Project Sponsor* through the Negometrix platform.

Issue Date: April 16, 2021

IF YOU NEED ANY REASONABLE ACCOMMODATION FOR ANY TYPE OF DISABILITY IN ORDER TO PARTICIPATE IN THIS PROCUREMENT, PLEASE CONTACT OUR OFFICE AS SOON AS POSSIBLE.

## NOTICE

The Boone County Fiscal Court will receive sealed proposals through the Negometrix Solicitation platform, 41005, **until 2:00 pm “local time” on May 4, 2021 for North Pointe Park Fitness Design Services.** Proposals will be publicly presented in a virtual format at the date and time listed above.

Specifications may be obtained at [www.boonecountyky.org/publicnotices](http://www.boonecountyky.org/publicnotices) or <https://app.negometrix.com/buyer/839>.

Boone County reserves the right to reject any and all Proposals, to waive any informalities and to negotiate for the modifications of any proposal or to accept that Proposal which is deemed the most desirable and advantageous from the standpoint of customer value and service and concept of operations, even though such proposal may not, on its face, appear to be the lowest and best price. No proposal may be withdrawn for a period of thirty (30) days after scheduled time of receipt of proposal.

## INTENT

It should be noted that the inclusion of the any plans, drawings or brand names mentioned in this solicitation are provided for reference purposes only. The plans or drawings (if applicable) should be not be reproduced or used for any other purpose. The Boone County “**North Pointe Park Fitness Design Review Committee**” shall be the sole judge of whether a proposal meets the intent of these specifications.

## KENTUCKY PREFERENCE LAW

The scoring of proposal is subject to Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries. \*Vendors not claiming resident bidder or qualified bidder status need not submit the corresponding affidavit.

# SPECIFICATIONS

## 1. GENERAL INFORMATION

Boone County, Kentucky, herein referred to as the “**County**”, invites the submittal of written proposals from qualified firms/contractors that can provide the County with an **effective design for a fitness area at North Pointe Park**, a 5 acre park serving the North Pointe community of Boone County.

## 2. PROJECT LOCATION

North Pointe Park is located at 1420 Northpointe Blvd, Hebron, and is a 5 acre park serving the North Pointe community of Boone County.

## 3. SCOPE OF SERVICES

- The “North Pointe Park” will consist of a fitness area for the neighborhood community. Innovative fitness structures and themes will be considered
- The fitness area is a new addition to the existing park. Surfacing shall be certified woodchips.

## 4. PROPOSAL SPECIFICATIONS

### **Response to Proposal**

In order to be considered as a qualifying proposal, the following information is required:

- A. Describe in detail your organization’s experience and capabilities in designing public playgrounds and fitness course. **(30 points)**
- B. Provide proposed design elements of the fitness area indicating proposed manufacturer and specifics about each piece of equipment. **(20 points)**
- C. Provide a detailed explanation of your cost estimates for the proposed fitness area designs. **(10 points)**
- D. Provide at least **three (3) references** from other organizations with at least two from public agencies, for which you have performed work relevant to this RFP, in the last two (2) years. Include contact name, phone number, email address and brief description of work performed. **(20 points)**
- E. Provide a detailed statement explaining any additional information, resource or work element, not listed in this Request, which, in your opinion, would provide a better final product. **(20 points)**

### **Proposal Format**

- A. Award will be made to the proposal that, by the County’s sole determination, best serves the needs of the County, the community and its residents by providing innovative quality products. The County reserves the right to alter scope of work to meet County needs in creation of an agreement with the selected Designer or too split design award for a fitness area.

### **Hold Harmless and Indemnification:**

The successful bidder shall agree to indemnify, defend and hold harmless the County (including its officers and employees) for/from any and all judgments, claims or actions of any kind presented, entered into, against the County arising out of the vendor’s (including vendor’s employees, Boone County Fiscal Court representatives, products and subcontractors), negligent performance under this agreement, excepting only such claims or actions which may arise out of sole negligence of the County or any third parties not acting on behalf of, at the direction of, or under the control of the successful bidder.

## 5. EVALUATION AND SELECTION PROCESS

The selection of an application for the Design project will be as follows:

- A. Proposals will be evaluated by a selection committee consisting of three or more County staff including but not limited to Director of Parks, Recreation Programmer III and Parks Superintendent.
- B. Depending on the number of applicants, the County reserves the right to invite the top candidates to interviews with the selection committee or the Parks & Recreation Commission to better evaluate their qualifications.
- C. The top ranked RFP will be specified by the County for design of the specified fitness area and their recommended equipment. Should negotiations fail County will begin negotiation with the next approved RFP Designer. This process will continue as necessary until a successful Designer is retained.

#### **6. ANTICIPATED SELECTION SCHEDULE**

- The following timetable is anticipated:
- April 16, 2021 Request for Proposal is released
- **April 27, 2021 Optional Site Walk 3:00 p.m.**
- May 4, 2021 Proposals due by 2:00 p.m.
- May 7, 2021 Parks & Recreation Commission Selection
- May 11, 2021 Approval of Successful Vendor

#### **7. ADDITIONAL INFORMATION AND NOTICES**

This Request for Proposals does not constitute a contract or an offer of employment. The cost of preparation of proposals shall be the sole obligation of the Designer. All proposals, whether accepted or rejected, shall become the property of the County.

The County reserves the right to reject any and all proposals. Elements and/or tasks may be added or deleted at the discretion of the County pending negotiation of the scope of work and compensation with the selected vendor.

## **KENTUCKY PREFERENCE LAWS**

The scoring of proposals is subject to Reciprocal preference for Kentucky resident bidders and Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries.

**\*Vendors not claiming resident bidder or qualified bidder status need not submit the corresponding affidavit.**

### **Reciprocal preference for Kentucky resident bidders**

#### **KRS 45A.490 Definitions for KRS 45A.490 to 45A.494.**

As used in KRS 45A.490 to 45A.494:

- (1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and
- (2) "Public agency" has the same meaning as in KRS 61.805.

#### **KRS 45A.492 Legislative declarations.**

The General Assembly declares:

- (1) A public purpose of the Commonwealth is served by providing preference to Kentucky residents in contracts by public agencies; and
- (2) Providing preference to Kentucky residents equalizes the competition with other states that provide preference to their residents.

#### **KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.**

- (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
  - (a) Is authorized to transact business in the Commonwealth; and
  - (b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- (5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- (6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- (7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- (8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

The reciprocal preference as described in KRS 45A.490-494 above shall be applied in accordance with 200 KAR 5:400.

### **Determining the residency of a bidder for purposes of applying a reciprocal preference**

Any individual, partnership, association, corporation, or other business entity claiming resident bidder status shall submit along with its response the attached Required Affidavit for Bidders, Offerors, and Contractors Claiming Resident Bidder Status. The BIDDING AGENCY reserves the right to request documentation supporting a proposer's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

A nonresident bidder shall submit, along with its response, its certificate of authority to transact business in the Commonwealth as filed with the Commonwealth of Kentucky, Secretary of State. The location of the principal office identified therein shall be deemed the state of residency for that bidder. If the bidder is not required by law to obtain said certificate, the state of residency for that bidder shall be deemed to be that which is identified in its mailing address as provided in its bid.

### **Preferences for a Qualified Bidder or the Department of Corrections, Division of Prison Industries.**

Pursuant to 200 KAR 5:410, and KRS 45A.470, Kentucky Correctional Industries will receive a preference equal to twenty (20) percent of the maximum points awarded to a bidder in a solicitation. In addition, the following "qualified bidders" will receive a preference equal to fifteen (15) percent of the maximum points awarded to a bidder in a solicitation: Kentucky Industries for the Blind, any nonprofit corporation that furthers the purposes of KRS Chapter 163 and any qualified nonprofit agencies for individuals with severe disabilities as defined in KRS 45A.465(3). Other than Kentucky Industries for the Blind, a bidder claiming "qualified bidder" status shall submit along with its response to the solicitation a notarized affidavit which affirms that it meets the requirements to be considered a qualified bidder-affidavit form included. If requested, failure to provide documentation to a public agency proving qualified bidder status may result in disqualification of the bidder or contract termination.

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING  
RESIDENT BIDDER STATUS (Not Required unless claiming Resident Bidder Status)**

**FOR BIDS AND CONTRACTS IN GENERAL:**

The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 45A.494(2), the entity bidding is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:

- Is authorized to transact business in the Commonwealth;
- Has for one year prior to and through the date of advertisement
- Filed Kentucky income taxes;
- Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and
- Maintained a Kentucky workers' compensation policy in effect.

The BIDDING AGENCY reserves the right to request documentation supporting a proposer's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

Company Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Subscribed and sworn to before me by \_\_\_\_\_  
(Affiant) (Title)

of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
(Company Name)

\_\_\_\_\_  
Notary Public

[seal of notary]

My commission expires: \_\_\_\_\_

**REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING  
QUALIFIED BIDDER STATUS**

**(Not Required Unless Claiming Qualified Bidder Status)**

**FOR BIDS AND CONTRACTS IN GENERAL:**

I. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, and all subcontractors therein, meets the requirements to be considered a "qualified bidder" in accordance with [200 KAR 5:410\(3\)](#); and will continue to comply with such requirements for the duration of any contract awarded. Please identify below the particular "qualified bidder" status claimed by the bidding entity.

\_\_\_\_\_ A nonprofit corporation that furthers the purposes of KRS Chapter 163

\_\_\_\_\_ Per KRS 45A.465(3), a "Qualified nonprofit agency for individuals with severe disabilities" means an organization that:

- (a) Is organized and operated in the interest of individuals with severe disabilities; and
- (b) Complies with any applicable occupational health and safety law of the United States and the Commonwealth; and
- (c) In the manufacture or provision of products or services listed or purchased under KRS 45A.470, during the fiscal year employs individuals with severe disabilities for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products or services; and
- (d) Is registered and in good standing as a nonprofit organization with the Secretary of State.

The BIDDING AGENCY reserves the right to request documentation supporting a proposer's claim of qualified bidder status. Failure to provide such documentation upon request may result in disqualification of the bidder or contract termination.

Signature	Printed Name
Title	Date
Company Name	
Address	

Subscribed and sworn to before me by \_\_\_\_\_ (Affiant) \_\_\_\_\_ (Title)

of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Company Name)

\_\_\_\_\_  
Notary Public

[seal of notary] My commission expires: \_\_\_\_\_