



REQUEST FOR EXPRESSIONS OF INTEREST – 4729 EOI

SIDEWALK VENDING SERVICES AT WESTMINSTER HIGHWAY AND NO. 3 ROAD

Expressions of Interest will be received at the Information Counter, Main Floor, Richmond City Hall, addressed to the Purchasing Section, 6911 No. 3 Road, Richmond, BC, V6Y 2C1, until **3:00 pm, local time, on Tuesday November 13th, 2012** (the “Closing Date/Time”).

All queries related to this Request for Expression of Interest shall be submitted in writing to the attention of:

Kerry Gillis, Buyer II

email: purchasing@richmond.ca

The deadline for all enquiries is **5:00pm, local time, on Monday November 5th, 2012**.
The City reserves the right not to respond to inquiries received after this deadline.

TABLE OF CONTENTS

1.0	Introduction.....	1
2.0	Definitions.....	1
3.0	Background.....	2
4.0	Objectives	2
5.0	Scope.....	3
6.0	Requirements	3
7.0	Pre-qualification Process	5
8.0	Requests for Proposals.....	5
9.0	Qualification Criteria	5
10.0	Submission Details.....	7
11.0	Format Requirements.....	7
12.0	Review of Submissions.....	9
13.0	Inquiries	9
14.0	Non-Conforming Submissions.....	10
15.0	Notifications and Request for Proposal Process.....	10
16.0	Information Disclaimer	11
17.0	Intent to Enter Into an Agreement	11
18.0	Modification of Terms	11
19.0	Ownership of Submissions	12
20.0	Right to Not Accept Any Expression of Interest	12
21.0	No Commissions.....	12
22.0	Use of this Request for Expressions of Interest.....	12
23.0	Confidentiality, Freedom of Information and Protection of Privacy.....	12
24.0	No Claim for Compensation of Expenses.....	12
25.0	Conflict of Interest	13
26.0	No Solicitation	13
27.0	No Lobbying	13
28.0	Publicity	13

1.0 Introduction

- 1.1. The City of Richmond (the “City”) invites Expressions of Interest (“EOI”) for Sidewalk Vending services.

2.0 Definitions

- 2.1. Throughout this RFEOI the following definitions apply:
 - a) “City’s Designated Representatives” means the City’s employees or representatives who are authorized in writing to deal with the Contractor on behalf of the City in connection with the goods, materials, equipment and services or to make decisions in connection with the Contract;
 - b) “Closing Time” means the closing date, time, and place as set out on the title page of this RFEOI;
 - c) “Consultant” means the same as “Selected Respondent”;
 - d) “Expression of Interest” or “EOI” means a statement of qualifications submitted in response to and according to the terms of this Request for Expressions of Interest;
 - e) “Food” means food and beverages prepared and sold for immediate consumption;
 - f) “Goods” or “Merchandise” means items purchased for consumption and that are portable by pedestrian customers;
 - g) “Project” means the scope of Work and Requirements described in this RFEOI;
 - h) “Request for Expressions of Interest” or “RFEOI” means this document and related process;
 - i) “Requirements” means all of the specifications, requirements and services set out in the RFEOI that describes the general requirements that the goods, materials, equipment and services must meet and the selected Respondent must provide;
 - j) “Respondent” means an individual or a company (vendor) that submits, or intends to submit, a Response;
 - k) “Response” or “Submission” means an Expression of Interest;

- l) “Selected Respondent” or “Successful Respondent” is the Respondent whose Expression of Interest, as determined through the evaluation criteria described in this RFEOI, provides the best overall value in meeting the requirements of the RFEOI, and with whom a Contract may be considered;
- m) “Services” means the Sidewalk Vending services outlined in the Requirements;
- n) “Sidewalk Vending” means to offer to sell or sell food and/or goods on the City’s sidewalks and
- o) “Work” means all the labour, materials, equipment, supplies, services and other items necessary for the execution, completion and fulfilment of the Requirements.

3.0 Background

- 3.1. The City is exploring possibilities for street retail operations on City-owned or controlled property (i.e. sidewalks) in the vicinity of or along the Canada Line Stations.
- 3.2. It is anticipated that a variety of Sidewalk Vending services will contribute to the vibrancy of the City’s downtown core, furthering the City’s liveability and its reputation as a destination.
- 3.3. City Council has approved the request to move forward on an RFEOI that would pilot retail activity on the City’s sidewalks at the intersection of No. 3 Road and Westminster Highway.
- 3.4. The City may, as a result of this RFEOI, engage a small number of Respondents to provide Sidewalk Vending operations as part of a pilot project which is expected to take place beginning on May 1, 2013.

4.0 Objectives

- 4.1. To determine the general interest in the marketplace to provide street retail or vending services on City-owned or maintained sidewalks.
- 4.2. To determine interest in the marketplace to provide street retail or vending services, on a pilot basis, at the sidewalks on the intersection of No. 3 Road and Westminster Highway.

- 4.3. To solicit feedback from the marketplace that will help the City identify issues and factors that need to be considered in the pilot project, including any necessary amendments to the City’s existing bylaws.

5.0 Scope

- 5.1. The City’s target pilot program site (the “Site”) is the intersection of No. 3 Road and Westminster Highway. A map of this site is appended to this document.
- 5.2. This Site is a busy intersection in the City, with significant pedestrian and vehicular activity. Three of the corners (i.e. northeast, northwest, and southwest) are fully developed with sufficient City-owned land at these corners to support sidewalk vendors.
- 5.3. The City may select up to three (3) Sidewalk Vending units to participate in the pilot project.
- 5.4. The City is not responsible for the economic viability of the vending service.
- 5.5. The City is not seeking a share in revenue at this time.

6.0 Requirements

- 6.1. Types of Sidewalk Vending Services that will be considered:
 - a. Both food and non-food vendors.
 - b. Either for-profit or a non-profit operations.
 - c. Will not lead to or cause congestion or blocking of pedestrian traffic on sidewalk.
 - d. Will involve a short transaction period to complete the sale or render the service to customers.
 - e. Will not cause undue noise or offensive odours.
 - f. Offer merchandise and/or foods that can be easily carried by pedestrian customers.
- 6.2. General Criteria for Sidewalk Vending Services

The City will consider Sidewalk Vending services that meet the following criteria:

- a. offer goods and services that do not directly compete with adjacent businesses;
 - b. are provided in stand alone, self-contained vending units – the City will not supply any utilities nor permit any discharges from the vending units;
 - c. meet the requirements of the City’s Transportation Division with respect to setbacks and clearance standards within the public sidewalk. Such requirements include, but are not limited to:
 - .1. maintain a minimum of 1.0m of unobstructed clear space on the sidewalk between the vending unit area and the curb;
 - .2. occupy a maximum vendor footprint of 2.5m (parallel to the curb) (L) x 2.0m (W);
 - .3. maintain a minimum of 2.0m of unobstructed sidewalk;
 - .4. no intrusion into the main pedestrian passage;
 - .5. no obstructions to existing business entrances, display windows and service outlets.
 - d. comply with applicable Richmond Fire-Rescue (RFR) Department and National Fire Protection Association (NFPA) regulations – the City reserves the right to require that all mobile vending units pass applicable fire safety inspections administered by RFR;
 - e. be in good standing with WorkSafe B.C.:
(http://www.worksafebc.com/insurance/managing_your_account/clearance_letters/default.asp)
 - f. comply with public health requirements with respect to health and safety issues (https://www.vch.ca/media/mobile_food_premises_2011.pdf and https://www.vch.ca/your_environment/food_safety/permits/) . Selected Respondents will be required to carry the necessary permits and licenses required for operating their Sidewalk Vending units.
- 6.3. All vending units must be assembled, taken down and removed in the same day. The Site shall not be considered a storage area for the mobile vending units.
- 6.4. All vending units must be approved by the City.
- 6.5. Food vendors that may be approved by the City should be able to:
- a. offer foods that are available for immediate consumption and that are healthy and grown locally.
 - b. offer foods that are sold in environmentally friendly packaging.
- 6.6. Prohibited Merchandise:

- a. alcohol, tobacco, drugs, and firearms;
- b. animals (alive or dead) or animal parts, not intended as food;
- c. counterfeit merchandise;
- d. illicit materials (including pornography);
- e. weapons of any kind;
- f. religious materials and
- g. any other types of food or merchandise that the City deems unacceptable.
The City reserves the right to reject any such merchandise accordingly.

7.0 Pre-qualification Process

- 7.1. Interested parties are required to respond to this Request for Expressions of Interest in accordance with the terms of this RFEOI.
- 7.2. In the first phase of this potential two-phase process, responses to the RFEOI are being requested in order to afford the City the opportunity to evaluate the expertise of interested Respondents and to either enter into a contract with a qualified Respondent directly from this RFEOI process or to select a shortlist of Respondents that will be invited to submit a proposal in response to a Request for Proposals. This RFEOI process is aimed at encouraging businesses with the required level of experience and expertise to participate.

8.0 Requests for Proposals

- 8.1. Should the City engage in a Request for Proposal (“RFP”) process, then Respondents, who are pre-qualified as a result of this RFEOI process, may be invited to submit proposals to a RFP from the City. The City anticipates that any subsequent RFP may be distributed three to four weeks following the completion of this RFEOI process.

9.0 Qualification Criteria

- 9.1. The Selected Respondent(s) shall have previously and successfully completed projects of a similar size and complexity to the scope of work described in this RFEOI. Submissions will be evaluated on the basis of the overall best value to City based on quality, service, price and any other criteria set out herein including, but not limited to:
 - a. Understanding of the City’s objectives and vision;
 - b. Quality of merchandise and Sidewalk Vending unit(s) proposed;

- c. Quality of feedback offered to the City on the Pilot project and any advice that can enhance its operations or license requirements that would better facilitate a Sidewalk Vending program;
 - d. Capacity of the Respondent to provide the Services, including its reputation and resources; experience and qualifications of those staff to be assigned to the Services. In addition, the City will place consideration on the Respondent's:
 - .1. Business and areas of expertise as well as ability to demonstrate the required skills and experience in providing the Services and
 - .2. Ability to communicate and work effectively with the City.
 - e. Be legally entitled to operate a business in Canada with the owner and staff legally entitled to work in Canada;
 - f. Demonstrate experience with operating a sidewalk vending business, preferably in the Lower Mainland;
 - g. Demonstrate readiness with respect to:
 - .1. Readiness of the vending unit including the procurement of all supplies, health approvals, permits and other supporting documentation.
 - .2. Schematics of all proposed vending units;
 - .3. Readiness of the Respondent to provide the services in terms of mobilization and demobilization of the vending unit and all operations to provide the Services.
 - h. Offer food and/or goods that are high in quality and show diversity of choices;
 - i. Are environmentally responsible in their operations (e.g., can demonstrate that their vending carts that have a minimal ecological footprint and that they have garbage and recycling plans as part of their operations).
- 9.2. The Respondent may be required to demonstrate financial stability and may be required to provide annual financial reports or a set of financial statements prepared by an accountant and covering the last two (2) fiscal years.
- 9.3. Preference may be given to Submissions offering innovative concepts, those that require the least impact to City resources, and environmentally beneficial goods or services.

- 9.4. Respondents may be scheduled for interviews at the discretion of the City.
- 9.5. Reference checks may also be conducted by the City.

10.0 Submission Details

- 10.1. Respondents should submit one (1) hard copy, plus one electronic copy (on a CD ROM or memory stick) of their Expressions of Interest marked “4729 EOI – Sidewalk Vending Services” to the Purchasing Division, Information Counter, Main Floor, Richmond City Hall located at 6911 No. 3 Road, Richmond, BC V6Y 2C1. Submissions will be received on or before:

3:00 pm, local time on Tuesday November 13th, 2012

- 10.2. Submissions will be evaluated at the discretion of the City based upon the information contained in the submissions. Questions relating to this RFEOI may be directed to Kerry Lynne Gillis, Buyer II by email to purchasing@richmond.ca.
- 10.3. Inquiries and responses relating to the RFEOI will be posted on BC Bid (<http://www.bcbid.gov.bc.ca/open.dll/welcome?language=En>) and the City’s website (<http://www.richmond.ca/busdev/tenders.htm>). It is the sole responsibility of each Respondent to check these sites on a regular basis for amendments, addendums, or questions related to this RFEOI.
- 10.4. The decision to issue or not issue an addendum is entirely at the sole discretion of the City.
- 10.5. Each addendum will be incorporated into and become part of the RFEOI document. No amendment of any kind to the RFEOI is effective unless it is contained in a written addendum issued by the City’s Purchasing Section.
- 10.6. Note: Any submission will not necessarily be accepted. Respondents are advised they have no claim for compensation in the preparation of their Submissions and that by submitting an EOI, each Respondent shall be deemed to have agreed that it has no claim. All Submissions received by the City shall be subject to the *Freedom of Information & Protection of Privacy Act* of British Columbia.

11.0 Format Requirements

- 11.1. Responses submitted should be no more than ten (10) pages in length and shall consist of:
 - I. Title Page, Table of Contents and Executive Summary
 - a. The title page should identify the EOI number identified on the cover page of these pre-qualification documents, Closing Time (as

specified in section 10.1), Respondent's name, address, telephone number fax number, email address and contact person's name.

- b. The Table of Contents should reference the applicable section, subsection and page numbers (e.g. Section C pages x-x, Sub-Section Part 1 page x-x). Pages should be consecutively numbered.
- c. The executive summary should provide a synopsis of the Respondent's overall approach and key points of its Submission. This summary should be a maximum of one page.

II. Proponent Experience:

- a. Describe the type of company (for example: corporation, partnership, sole proprietor) and if a joint venture, clearly state this and state who the joint venture parties are and identify who is acting as the lead.
- b. Provide client references, where possible.
- c. Provide a history of litigation or claims made against the Respondent (or any sub-consultant listed as part of the Respondent's team) during the three (3) years immediately prior to the Closing Time.

III. Corporate Capability:

- a. Describe your capability (financial, experience and workload capacity) to provide Sidewalk Vending services within the City.
- b. Provide resumes of your proposed key personnel.
- c. Provide a letter from a bonding company confirming the Respondent's binding capability and provide a certificate of existing commercial general liability insurance.

IV. Completed and Current Projects:

- a. List three (3) relevant completed projects, each with the name of client, value of the project, company personnel involved and client/owner references with contact names and telephone numbers.

- b. Describe capacity to undertake this project and describe any other projects that the Respondent has scheduled during the anticipated time frame.

V. Outline of Services to be Provided:

- a. Provide a brief discussion of your methodology and approach to providing the Services described in this RFEOI.
- b. Describe your merchandise and/or types food and Sidewalk Vending units you propose to fulfil the Requirements and provide the Services.
- c. Discuss your business plan – including information on your staff complement, method for mobilizing and demobilizing the Sidewalk Vending units.
- d. Discuss your environmental sustainability considerations including plans to handle trash, recycling of containers, litter pick-up, etc.

VI. Possible Enhancements to the City’s Program

- a. Provide your feedback on the City’s operations and license and permit requirements that may better facilitate a Sidewalk Vending service program.

12.0 Review of Submissions

- 12.1. The City will review the Expressions of Interest submitted to determine whether, in the City’s opinion, the Respondent has demonstrated that it has the required experience and qualifications to fulfill the obligations of the services identified in this RFEOI.

13.0 Inquiries

- 13.1. The City, in its sole discretion and without having any duty or obligation to do so, may conduct any inquiries or investigations, including but not limited to contacting references, to verify the statements, documents, and information submitted in connection with the Respondent’s Submission and may seek clarification from the Respondent’s bankers and clients regarding any financial and experience issues.
- 13.2. Subsequent to the receipt and review of responses the City reserves the right to shortlist Respondents for the purpose of issuing an RFP for all or any part of the requirement described herein; to negotiate with any Respondent or with any

number of Respondents concurrently for the purpose of entering into an agreement or to cancel this process in its entirety.

14.0 Non-Conforming Submissions

- 14.1. Submissions which fail to conform to the Format Requirements or which fail to conform to any other requirement of these Documents may be rejected by the City. Notwithstanding the foregoing or any other provision of these Documents. The City may at its sole discretion elect to retain for consideration Submissions which deviate either materially from the format requirements set out in hereto or which otherwise fail to conform to any other requirement of this RFEOI.

15.0 Notifications and Request for Proposal Process

- 15.1. Following the Closing Time, the City will only notify those Respondent(s) who will either enter into a contract with the City as a result of this RFEOI process or are selected as being pre-qualified and may be invited to submit their proposal under a Request for Proposal (“RFP”) process, if the City decides to issue a RFP process for this Project.
- 15.2. The City will not approve any change in the structure of formation of a short listed Respondent.
- 15.3. The City may unilaterally take the following actions, and shall not be liable for any such actions:
 - a. amend the scope and description of the services to be procured under any RFP process as described in this RFEOI, and the qualifications that may be required to meet those requirements. In such event, proposals may be invited from those Respondents who meet the resulting amended requirements;
 - b. reject or accept any or all Submissions;
 - c. cancel the RFEOI process at any time and reject all Proposals; or
 - d. cancel the RFEOI process and recommence in respect of the same RFP with the same or an amended set of documents, information and requirements.
- 15.4. Subsequent to the receipt and review of the Responses, the City reserves the right, in its sole discretion, to issue a RFP for all or part of the requirements described herein or to enter into negotiations with any Respondent or with any number of Respondents for the purpose of entering into an agreement, or to cancel this process in its entirety.

- 15.5. The Respondent acknowledges and agrees that any Submission is in no way whatsoever, an offer to enter into an agreement and a Submission by any Respondent does not in any way whatsoever create a binding agreement. The Respondent acknowledges that the City has no contractual obligations whatsoever arising out of the RFEOI process.
- 15.6. The Respondent acknowledges and agrees that the pre-qualification of a Consultant pursuant to this RFEOI is only a preliminary step in the City's procurement process. Each successful Respondent may be evaluated further under any subsequent RFP (if required) evaluation process.

16.0 Information Disclaimer

- 16.1. The City and its directors, officers, employees, designated representatives, agents consultants and advisors are not liable or responsible for any oral, verbal or written information, or any advice, or any errors or omissions, which may be contained in this RFEOI or otherwise provided to the Respondent or Consultant pursuant to this RFEOI.
- 16.2. The Respondent shall conduct its own independent investigations and interpretations and shall not rely on the City with respect to information, advice, or documentation provided by the City. The information contained in this RFEOI is provisional and will be superseded by the RFP and/or other agreement documents.
- 16.3. The City makes no representation, warranty, or undertaking of with respect to this RFEOI and the City and its directors, officers, employees, designated representatives, agents, consultants and advisors, shall not be liable or responsible for the accuracy or completeness of the information in this RFEOI or any other written or oral information made available to any interested person or its advisors, and any liability however arising, is expressly disclaimed by the City.

17.0 Intent to Enter Into an Agreement

- 17.1. By submission of an Expression of Interest, the Respondent agrees that, should it be identified as the successful respondent, it is willing to enter into agreements, if required, as necessary to complete the transactions contemplated in the Respondent's Response to this Request for Expression of Interest.

18.0 Modification of Terms

- 18.1. The City reserves the right to modify the terms of this RFEOI at any time at its sole discretion. This includes the right to cancel this RFEOI at any time without liability to any Respondent.

19.0 Ownership of Submissions

19.1. All documents submitted to the City, including Expressions of Interest, and any drawings, plans and models (as applicable), become the property of the City and will not be returned to Respondents. They will be received and held in confidence by the City, subject to the provisions of Section 23.0.

20.0 Right to Not Accept Any Expression of Interest

20.1. The City reserves the right to not accept any Expression of Interest and is not bound to enter into an agreement with any Respondent or issue a Request for Proposal. In the event that no Expression of Interest is selected, the City will declare the RFEOI terminated, in which case the City reserves the right to enter into negotiations with any party, regardless of whether or not such party previously participated in the RFEOI.

21.0 No Commissions

21.1. The City will not pay any commission to any Respondent or any agent acting on behalf the Respondent in connection with any transaction arising from the RFEOI. Any agent working with or for an interested party is assumed to be compensated by the Respondent.

22.0 Use of this Request for Expressions of Interest

22.1. This document, or any portion thereof, may not be used by others for any purpose other than for the submission of Expressions of Interest.

23.0 Confidentiality, Freedom of Information and Protection of Privacy

23.1. All submitted Expression of Interests shall become the property of the City. The City reserves the right to release information to the public about the Expression of Interests received and any agreement(s) entered into. As the property of the City, Expression of Interests will be considered government records, which are public documents and subject to the *Freedom of Information and Protection of Privacy Act* of British Columbia. However, any commercial information that could cause potential economic harm to a Respondent's business interests should be identified as such.

23.2. Information pertaining to the Site obtained by the Respondent as a result of participation in this RFEOI is confidential and must not be disclosed without written authorization from the City.

24.0 No Claim for Compensation of Expenses

24.1. The City is not liable to pay such costs and expenses or to reimburse or compensate a Respondent under any circumstances.

- 24.2. As such, Respondents are advised they are responsible for bearing all costs of preparing and submitting an EOI and any subsequent discussions with the City. Respondents shall have no claim for compensation in the preparation of their submissions and by submitting an EOI, each Respondent shall be deemed to have agreed that it has no claim.

25.0 Conflict of Interest

- 25.1. Respondents are responsible for ensuring that any and all conflicts of interest or potential conflicts of interest are disclosed in their Submission. Failure to disclose a conflict of interest may result in the rejection of the Expression of Interest.

26.0 No Solicitation

- 26.1. If any directors, employees, officers, agents, consultants, or representatives, or other representative of a Respondent makes any representation or solicitation offering a personal benefit to any officer, employee, agent, consultant, or elected official of the City, concerning the Respondent's Expression of Interest, the City reserves the right to reject the Respondent's Response to this Request for Expressions of Interest.

27.0 No Lobbying

- 27.1. From the date on which this RFEOI is issued until the RFEOI process is terminated, Respondents (including any directors, employees, officers, agents, consultants, or representatives) should not communicate with the City, directly or indirectly, about the RFEOI except via the designated Contact Person in Section 10.2.

28.0 Publicity

- 28.1. Respondents must not issue any news release or other public announcement that discloses details of this Request for Expression of Interest, or the Respondent's Response to this RFEOI, without the prior written consent of the City.