

**ROWAN UNIVERSITY/RUTGERS CAMDEN BOARD
OF GOVERNORS**

RFP #2023-03

**REQUEST FOR PROPOSALS
FAIR AND OPEN SOLICITATION PROCESS**

**MICRO-MARKET VENDING SERVICES OPERATOR FOR JOINT
HEALTH SCIENCES CENTER**

By

**Rowan University/Rutgers – Camden Board of Governors
on behalf of Joint Health Sciences Condominium Association, Inc.**

**RFP Issued: November 14, 2023
Vendor Questions Due: November 28, 2023
Proposals Due: December 12, 2023
Conditional Notice of Intent to Award Contract: TBD
License Agreement Executed: TBD
Commencement Date: TBD**

The above dates are provided to prospective bidders for planning purposes only. These are estimated timeline dates and do not represent firm commitment dates by which the Board will take action.

ISSUED BY:

**Rowan University/Rutgers-Camden Board of Governors
on behalf of Joint Health Sciences Condominium Association, Inc.**

ROWAN UNIVERSITY/RUTGERS-CAMDEN BOARD OF GOVERNORS

NOTICE TO PROPOSERS

RFP # 2021-03

Request for Proposal – Micro-Market Vendor Services Operator

for the

Joint Health Sciences Center

The Rowan University/Rutgers-Camden Board of Governors (“Board”), on behalf of the Joint Health Sciences Condominium Association, Inc., is soliciting proposals from qualified vendors to install and operate a micro-market food and beverage vending service at the Joint Health Sciences Center as morefully described in the Request for Proposals #2023-03, available at the Board’s website (www.rurcbog.com), as well as, available at the Board’s Administrative Office located at 201 South Broadway, Suite 440, Camden, New Jersey 08103. The office is open Monday through Friday between the hours of 8:30 am to 4:30 pm. The office may also be reached via phone at (856) 203-6757 or by emailing Ms. Sandy McAndrew at smcandrew@rurcbog.com. Responses to the RFP must be submitted in the form provided in the proposal packet.

One (1) original and two (2) copies + a copy on a flash drive of the RFP response must be received by the Board at the Board’s office on or before 3:00 p.m. (Eastern Time) on Tuesday, December 12, 2023. Proposal responses that are not received on or before Tuesday, December 12, 2023, by 3:00 p.m. (Eastern Time) at the Board’s offices will be rejected without exception.

All questions regarding the RFP shall be submitted no later than **4:30 PM on Tuesday, November 28, 2023 (Eastern Time)** to Sandy McAndrew. No telephonic questions or contacts are permitted. All questions must be submitted in writing addressed to Sandy McAndrew via email info@rurcbog.com.

Proposals are being solicited by the Board through a fair and open process in accordance with N.J.S.A. 19:44A-20.4 et seq. The contract will be awarded by the Board at a public meeting, in accordance with the criteria set forth in the Request for Proposals and in accordance with applicable laws. Respondents are required to comply with the requirements of N.J.S.A. 10:5-32, et. seq. and N.J.A.C. 17:27, et seq.

Request for Proposals

The Rowan University/Rutgers-Camden Board of Governors (the “Board”) manages on behalf of the Joint Health Sciences Condominium Association, Inc., the Joint Health Sciences Center for use by Rowan University (“Rowan”), Rutgers University-Camden (“Rutgers”), the Cooper Medical School of Rowan University (“CMSRU”) and Camden County College (“CCC”) at 201 South Broadway, Camden, New Jersey 08103 (the “Facility”). The Facility is a research and education building incorporating, among other things, dedicated laboratory facilities and equipment.

The Board is seeking an Operator to establish the operation of a micro-market food and beverage vending service (“Micro-Market”) within the café area of the Facility (Room A-100) to offer prepared food, snacks and beverages for sale to occupants of the Facility.

The Operator will be a qualified business licensed by the Board as an independent contractor to operate the micro-market vending service as described in this RFP.

Rowan University/Rutgers - Camden Board of Governors

The Board is an instrumentality of the State of New Jersey. On August 22, 2012, Governor Chris Christie signed into law the Restructuring Act. Specifically, Sections 33 and 34 of the law created the Board and gave it broad powers. The Legislature created the Board with the vision that it would leverage existing education, research and medical assets in Camden to create and sustain economic growth and civic engagement in the city and the broader South Jersey region. The Board’s mission translates into three overarching themes: (1) education; (2) economic development; and (3) civic engagement.

Joint Health Sciences Condominium Association, Inc.

The Facility is owned by the Joint Health Sciences Condominium Association, Inc. (“Association”). The Association has authorized the Board to develop and manage the Facility. The Board is issuing this RFP on behalf of the Association.

The Micro-Market Space

The café area of the Facility (Room A-100), located on the ground floor facing Broadway, has an area designated for the Micro-Market (“Micro-Market Space”). A floor plan showing the Micro-Market Space is available on the Board’s website (www.rurcbog.com) in the Procurement section, under the Solicitations tab. The Operator will furnish, at the Operator’s expense, all necessary trade fixtures and equipment required for the installation and operation of the Micro-Market. The Operator’s plans and specifications will be subject to the Board’s approval and shall comply with all applicable building codes, laws and ordinances.

The Micro-Market will be open for business 24 hours a day/7 days per week.

The Operator will be subject to the terms of the License Agreement contained in Exhibit "A" ("License Agreement").

Bid Proposal

Bidders will submit a proposal containing the following:

- A detailed plan for the operation of the Micro-Market
- List of product offerings
- Plan for managing the Micro-Market
- License fee proposal
- Design plan showing proposed trade fixtures and equipment to be installed in the Micro-Market Space

After the Conditional Notice of Intent to Award Contract, the Board and the successful bidder will finalize and execute the License Agreement.

Term

The successful bidder will operate the Micro-Market for an initial minimum term of one (1) year plus 2 additional 1 year terms at the discretion of Board. The parties may extend the initial term by mutual agreement.

Statement of Qualifications

Bidders must submit information relating to its organization, personnel and experience, including, but not limited to, references, together with contact names and telephone numbers, evidencing the bidder's qualifications and capabilities to operate the Micro-Market. The bid proposal shall contain the following information:

- The bidder's contact person and all relevant contact information.
- The bidder's relevant micro-market food vending service experience.
- The bidder's balance sheet, income statement and statement of cash flow for the bidder's two most recently completed fiscal years.
- Proposed license fee, either as a fixed fee, or as a percentage of gross sales, or a combination of fixed fee plus percentage of gross sales. Payments shall be made quarterly.

Business Registration

Bidders must provide as part of their response to this RFP proof of a valid Business Registration Certificate (BRC) from the Department of the Treasury, Division of Revenue. Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730. Form NJ-REG. can be filed online at www.state.nj.us/njbgs/services/html.

Ownership Disclosure

Pursuant to N.J.S.A. 52:25-24.2, in the event that the bidder is a corporation, partnership or limited liability company, the bidder must complete and execute an Ownership Disclosure Form and submit it with its proposal. A bidder's failure to submit a completed and executed Ownership Disclosure Form will result in the rejection of the proposal as non-responsive and preclude the award of a contract to the bidder.

In the alternative, to comply with N.J.S.A. 52:25-24.2, a bidder with any direct or indirect parent entity that is publically traded may submit the name and address of each publically traded entity and the name and address of each person that holds a 10% or greater beneficial interest in the publically traded entity as of the last annual filing with the Federal Securities and Exchange Commission, or the foreign equivalent, and, if there is any person that holds a 10% or greater beneficial interest, also submit links to the websites containing the last annual filings with the Federal Securities and Exchange Commission, or the foreign equivalent, and the relevant page numbers of the filings that contain the information on each person that holds a 10% or greater beneficial interest.

Other Bid Requirements

Bidders must provide as part of their response to this RFP the following certifications and disclosures:

- Disclosure of Investment Activities in Iran.
- Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.
- Equal Employment Opportunity/Affirmative Action Evidence.
- MacBride Principles Form.
- Request for Taxpayer Identification Number and Certification (IRS Form W-9).

To assist bidders, the Board has provided Vendor Forms on its website for use by bidders in complying with all required certifications and disclosures described in this RFP. All such certifications and disclosures must be submitted as part of the bidder's response to this RFP. A bidder's failure to submit the required certifications and disclosures may result in the rejection of the proposal as non-responsive and preclude the award of a contract to the bidder.

Proposal Evaluation Criteria

Pursuant to the Board's procurement policy, the following criteria will be used to evaluate the proposals:

1. The Board will appoint an Evaluation Committee. The Committee will review the proposals submitted in response to the RFP, publicly-available information regarding the bidders and information gathered during interviews with bidders, if conducted. The Evaluation Committee will consider the following factors in ranking the proposals:
 - a) Compliance with the requirements stated in the RFP;
 - b) Relevant micro-market vending experience;
 - c) Relevant experience within the State of New Jersey and the City and County of Camden;
 - d) Understanding the requirements for operating a Micro-Market at the Facility and presenting an operating plan that addresses the objectives described in the RFP;
 - e) Financial and human resources to properly operate the Micro-Market; and
 - f) License fee proposal.
2. Following receipt of proposals and the Committee's evaluation of the responses, the Committee may, in its sole discretion, schedule interviews with some bidders, no bidders, or all bidders, as determined by the evaluation committee. These interviews will be for the purpose of clarification, verification of evaluations, review of personnel, etc. Upon a decision to interview a bidder, the Committee may ask the bidder being interviewed to include specific personnel from its staff to attend. If selected for an interview, bidders will be contacted to schedule the date, time and manner of the interview.
3. In accordance with applicable law, the Board expressly reserves the right (i) to reject any submission which is not in compliance with the terms of the RFP or any part thereof, (ii) to request clarifications of a document or the contents thereof submitted in response to this RFP, (iii) to terminate this RFP, and (iv) to terminate or modify the process at any time. In addition, the Board reserves the right to allow for a clarification by a bidder, as may be permitted by law and which is in the best interest of the Association.
4. The Board expressly reserves the right, in its sole and absolute discretion, to

waive any non-material provisions or informalities of this RFP in accordance with applicable law.

5. The Board reserves the right, in its sole discretion, to waive minor elements of non-compliance of any bidder's submission with regard to the requirements outlined in this RFP.

Contract Award

1. The award of the contract under this RFP is conditioned upon the successful bidder entering into the License Agreement as set forth in Exhibit A and complying with the Standard Terms and Conditions contained in Exhibit B.
2. The Board reserves the right to solely determine, at any time, not to proceed with the RFP, or any portion of the RFP as it determines to be in the best interest of the Association.
3. The Board retains the discretion to modify, expand or delete any portion of this RFP.
4. The award of the contract under this RFP is subject to the approval of the Board at its public meeting.
5. Any bidder attempting to contact government officials (elected or appointed) or any member or staff of the Board in an effort to influence the selection process shall immediately have its proposal summarily rejected and disqualified.
6. Any proposal submitted in response to this RFP will be considered an offer by the bidder to contract for the operation the café as described in the RFP. By submitting a bid proposal in response to this RFP, the bidder agrees to hold its bid offer open for at least 30 days after the response due date. Any provision in a submitted bid that attempts to limit or condition the time that a bid offer is open for consideration by the Board will not be binding on the Board. The Board may, in its sole discretion, and subject to applicable law, upon good cause shown to the Board's satisfaction, allow a bidder to withdraw its bid after submission.
7. Any unsuccessful bidder may protest a contract award by the Board. In order for a protest to be timely, it must be submitted to the Board within ten (10) business days of receipt of the unsuccessful notification. The notifications will be sent via email and letter via regular US mail delivery. In order to be considered complete, a protest must: (i) identify the protestor, (ii) identify the contract award that is being protested, (iii) specify all grounds for the protest (including all arguments, materials and/or documents that support the protest), and (iv) indicate whether an oral presentation is requested, and if so, the reason for the oral presentation. A Hearing Officer will be designated by the Board's Chief Executive Officer. The designated Hearing Officer will review all timely and complete protests and will have sole discretion to determine

if an oral presentation by the protester is necessary to reach an informed decision on the matter(s) of the protest.

After completing his or her review of the protest, the Hearing Officer will write a report making a recommendation regarding the merits of the contract award protest. The protestor will receive a copy of the "Hearing Officer's Report" and be given a ten (10) business day "Exceptions Period" to refute the findings of the Hearing Officer. The "Hearing Officer's Report" and any exceptions submitted by the protestor will be submitted to the Board for a final decision to award the contract.

It is the Board's intent not to award the contract for the Micro-Market until it has completed all the review procedures described above. If, however, in the Board's sole discretion, it is determined that such an award is necessary to support the efficient operations of the Joint Health Sciences Center, the contract may be awarded. The decision by the Board to make a final award of the contract will be a final action that is appealable to the Appellate Division of the Superior Court of New Jersey.

8. Proposals submitted in response to this RFP will be available, upon request, for public inspection. Bidders are cautioned that the Board is subject to the provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. and the New Jersey Open Public Records Act, N.J.S.A. 47:1A-1 et seq. ("OPRA") and are bound by the requirements of both statutes and relevant case law.

9. Proposals can be released to the public during the protest period or after contract award under OPRA or the common law right to know as established under New Jersey case law.

10. A bidder may designate specific information as not subject to disclosure pursuant to the exceptions to OPRA found at N.J.S.A. 47:1A-1.1, when a good faith legal and/or factual basis for such assertion exists. Any information contained in the proposal that is marked by the bidder as proprietary and/or confidential information will be redacted by the Board; however, the Board reserves the right to make a determination as to what is proprietary or confidential and will advise the bidder accordingly. The location in the proposal of any such designation should be clearly stated in a cover letter. The Board will not honor any attempt by a bidder to designate its entire proposal as proprietary, confidential and/or to claim copyright protection for its entire proposal. In the event of any challenge to the bidder's assertion of confidentiality to which the Board does not concur, the bidder shall be solely responsible for defending its designation and the Board shall have no responsibility therefore.

Proposal Deadline

One (1) original and two (2) copies + a copy on a flash drive of the bid proposal must be received by the Board, at the Board's offices, on or before 3:00 PM on Tuesday, December 12, 2023. Late bids will rejected without exception.

Exhibit A
LICENSE AGREEMENT

Exhibit B

STANDARD CONTRACT TERMS AND CONDITIONS

1. ANTI-DISCRIMINATION

The bidder agrees not to discriminate in employment and agrees to abide by all anti-discrimination laws including those contained within N.J.S.A. 10:2-1 through N.J.S.A. 10:2-4, N.J.S.A.10:6-1 et seq. and N.J.S.A.10:5-31 through 10:5-38, and all rules and regulations issued there under.

2 AMERICANS WITH DISABILITIES ACT

The bidder must comply with all provisions of the Americans with Disabilities Act (ADA), P.L. 101-336, in accordance with 42 U.S.C. 12101 et seq.

3. COMPLIANCE WITH N.J.S.A. 19:44A-20 .13 et seq. ("Pay to Play" Act).

The Board will provide the selected bidder with a "Vendor Certification and Disclosure of Political Contribution" form" to complete. The Board will forward the completed Form to the State Treasurer or his designee for review pursuant to the Act. In the event the State Treasurer determines that the Act precludes a contract award to the selected bidder, a contract award will not be made. In the event a contract award is made, the bidder is under a continuing duty to disclose all contributions that may be made during the term of the contract. In such event, the bidder must immediately complete the Continuing Disclosure of Political Contributions Form and submit the completed Form to the Board.

4. POLITICAL CONTRIBUTION DISCLOSURE BY BIDDER

If the contract is in excess of \$17,500, the bidder must comply with P.L. 2005, c.271, by completing and submitting to the Board the required Chapter 271 Vendor Certification and Political Contribution Disclosure Form, before the effective date of the contract. Failure to comply with this political contribution disclosure requirement may result in the cancellation of the contract award and/or imposition of financial penalties by the New Jersey Election Law Enforcement Commission ("ELEC"). Additional information about this requirement is available from ELEC at 888-313-3532 or at <http://www.elec.state.nj.us>.

5. BIDDER ANNUAL ELECTION DISCLOSURE OBLIGATION

The bidder is advised of its responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to P.L. 2005, c. 271, section 3, if the bidder receives contracts in excess of \$50,000 from a public entity in a calendar year. It is the bidder's responsibility to determine if filing is necessary. Failure to so file can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at 886--313-3532 or at <http://www.elec.state.nj.us>.

6. SUBCONTRACTING OR ASSIGNMENT

The contract may not be subcontracted or assigned by the bidder, in whole or in part, without the prior written consent of the Board. Such consent, if granted, shall not relieve the bidder of any of his responsibilities under the contract. Nothing contained in the specifications shall be construed as creating a contractual relationship between any subcontractor and the Board.

7. TAX CHARGES

The Board is exempt from State sales or use taxes and Federal excise taxes. Prices charged must not include such taxes.

8. PAYMENT TO BIDDER

Payment for goods and/or services purchased by the Board will be made to the bidder within 30 days of the later of an acceptable invoice from the bidder or the Board's acceptance of the contracted products and/or services.

9. CLAIMS

Claims asserted by shall be subject to the New Jersey Tort Claims Act, N.J.S.A.59:1-1, et seq., and/or the New Jersey Contractual Liability Act, N.J.S.A. 59:13 1, et seq.