



GOVERNMENT OF BERMUDA

Ministry of Public Works

BY PUBLIC TENDER

Concession Lots, John Smith's Bay Beach, Smiths, Bermuda

To align with its tourism vision, the government seeks tenders for the delivery of a "Health and Wellness" experience for the designated locations at John Smith's Bay for the summer of 2017. Although not a comprehensive list, examples of desirable beach concessions for this beach might include masseuses, yoga instructors, fitness trainers, hammock rentals or a food truck prepared to serve organic foods, fresh fruit, acai bowls etc.

**OFFERS TO BE SUBMITTED ON THE ATTACHED OFFER FORM
BY 3PM ON FRIDAY 31st of March 2017**



TENDER CONDITIONS

1. The Tenderer must submit their offer as a bona fide Tender that is not a fixed or adjusted amount in accordance with any agreement or arrangement with any other person.
2. The Tenderer must not communicate to a person other than the Estates Department of the Government of Bermuda or their Agent, the amount or approximate amount of the proposed Tender, except where necessary to obtain insurance premium quotations required for the preparation of the Tenders.
3. Tenderer must provide letters from the Department of Social Insurance, the Office of the Tax Commissioner and the Accountant General department regarding their debt status. Please note that any outstanding debt with these departments will have to be settled by the time of submitting the tender.
4. Tenderer must provide copies of all statutory or regulatory licenses relevant for the operation of the activity they seek to undertake e.g. Peddlers License, Health License, CTA certification etc.
5. The tenderer must provide as part of their submission a Business Proposal including but not limited to financial projections, sources of finance, relevant experience (professional or otherwise), proposed rental fee, and site drawing/layout, nature of structure/tent/awning to be used, staffing (if relevant), etc.
6. **The tenderer must sign and submit the Tender Statements on pages 6 and 7 of this tender document.** The Vendor shall reserve the right to disqualify any tender submission that does not comply with this.
7. Only Bermudians and PRC Holders can apply.
8. Where tenderer is a charity or company they are to provide financial and company information with the tender.
9. Tenderer to provide references (bank, personal, etc.) when requested.

INSTRUCTIONS FOR TENDERING

1. The Government of Bermuda (“The Vendor”) invites Tender offers to be made for a seasonal lot on John Smith’s Bay Beach, Smiths, Bermuda.
2. The Vendor would like each Tenderer to submit offers for activities within the theme “Food, Health and Wellness” demonstrating this with a business proposal which amongst other things shows the rent offered.
3. Tenderers are advised to ensure that they are fully familiar with the nature and extent of the obligations to be accepted by them if their Tender is accepted.
4. Tenderers shall obtain for themselves at their own expense all information necessary for the preparation of their Tenders.
5. If a Tenderer is in doubt as to the interpretation of any part of this Tender document the Vendor or its Agent will endeavour to answer written enquiries prior to Tenders being submitted.
6. Tenderers should not rely on any information received other than that supplied by the Vendor or its Agent in this Tender Document or other information in written form from the Authorised Officer or his nominated representatives. The Vendor will not accept responsibility for any information supplied other than through as prescribed.
7. The Tender Document and all materials received as part of any tender submission shall remain the property of the Vendor.
8. Every Tender Submission received by the Vendor shall be deemed to have been made subject to this Tender Document unless the Vendor shall previously have expressly agreed in writing to the contrary. The Vendor retains the right to invite or permit variations or alterations to the terms of this tender.
9. The Tender Statement shall be fully completed and signed by the Tenderer in accordance with Clause 13 and submitted in the manner and by the date and time stated in Clause 14.
10. All information supplied by the Vendor or its agent in connection with this invitation to tender will be regarded as confidential by the Tenderer (except that such information as is necessary may be disclosed for the purposes of obtaining quotations necessary for the preparation of the Tenders).
11. No employee or agent of the Vendor has the authority to vary or waive any part of the Tender Document, other than the Authorised Officer or his nominated officer who shall only do so in writing.
12. Any Tenderer who directly or indirectly canvasses any member, agent or officer of the Vendor concerning the award of the Contract will be disqualified.
13. The insertion of any conditions qualifying the Tender or any unauthorised alteration to any of the Tender Documents shall not automatically affect the tender but may cause the Tender to be rejected.

14. All parts of this Tender Package requiring a signature shall be signed:-
- where the Tenderer is an individual, by that individual.
 - where the Tenderer is a partnership, by two duly authorised partners.
 - where the Tenderer is a company by two directors or by a director and the secretary of the Company, such persons being duly authorised for that purpose.
15. The tendering timetable is as follows:-

TENDERING TIMETABLE	
3pm	FRIDAY 31 st MARCH 2017

Tender Statements together with required documentation/evidence must be submitted in envelopes marked **JSB Tender** and shall be dropped off **BY HAND** in the tender box labelled **“Tender Box (Drop Off)”** at the Estates Section, Department of Public Lands & Buildings, **3rd Floor, Government Administration Building, 30 Parliament Street, Hamilton, Bermuda HM12**. The tender box is located to the left from the elevators on the third floor.

16. The Tender Statements once submitted and accepted by the Vendor cannot be renegotiated. The amount offered will be assumed to have been submitted with the potential tenderer having full knowledge of the site, its condition, any statutory requirements and planning status. It is recommended that independent professional advice be sought, where necessary, before offers are submitted.
17. The Tenderer must accept that if they fail to sign a license agreement within **1 month (one)** of the date on which the Vendor accepts the offer, then the acceptance shall be treated as withdrawn unless otherwise agreed by the Vendor in writing.
18. All offers and subsequent negotiations are subject to contract. The acceptance of any offer will be subject to the approval of the appropriate Government Department(s) or Ministry.
19. The Vendor may in exceptional circumstances at its own absolute discretion extend the closing date and time specified for the receipt of Tenders.
20. The Vendor is not bound to accept the highest Tender or any Tender received and all Tenders and negotiations are subject to contract.
21. The Tenders will be evaluated on the entire tender submission within the general theme of “Food, Health and Wellness” to ensure that it is acceptable and deliverable.
22. Certificate of confirmation of non-collusion
- The essence of Open Tendering is that the Government of Bermuda shall receive bona fide competitive Tenders from all persons submitting tenders. In recognition of this principle, all companies submitting a tender will be required, by way of the signature of the Company Principal, state their agreement to the statements below, which indicates that the tender has been submitted without any form of collusion.

- b) The Certificate of Confirmation of Non-Collusion is a mandatory requirement from all bidders. Any bids submitted which do not include a signed copy of the Certificate will be wholly rejected and will not be included in the evaluation process.
- c) If it is later found that the undertakings made below have been breached at any stage of the process, the bidder will be expelled from the process immediately. In the event that this is discovered after a contract award, legal action may be taken against the bidder and/or any party involved in the matter.
- d) False submissions may also exclude the bidder, and any other person or company involved in collusion, from bidding for future contracts tendered by the Government of Bermuda.

TENDER STATEMENT ONE

Confirmation of Non-Collusion

I/We certify that this is a bona fide Tender, intended to be competitive and that I/We have not fixed or adjusted the amount of the Tender or the rates and prices quoted by or under or in accordance with any agreement or arrangement with any other person.

I/We confirm that we have not received any additional information, other than that contained within the tender pack, or supplementary information provided to all bidders.

I/We also certify that I/We have not done and undertake that I/We will not do at any time any of the following acts:

- (a) communicating to a person other than the tender administrator the amount or approximate amount of my/our proposed Tender (other than in confidence in order to obtain quotations necessary for the preparation of the Tender for insurance) or
- (b) entering into any agreement or arrangement with any other person that he shall refrain from tendering or as to the amount of any Tender to be submitted; or
- (c) offering or agreeing to pay or give or paying any sum of money, inducement, gift /hospitality or valuable consideration directly or indirectly to any person in relation to this tender.

Signed

(1) _____ Status _____

(2) _____ Status _____

for and on behalf of

Date _____

TENDER STATEMENT TWO

Application Form

Full Name (Company Name if applicable): _____

Company Registration No. (if applicable): _____

Address: _____

Postal Address: _____

Tel. (Home) _____ Tel. (Work) _____

Tel. (Cell) _____ Tel. (E-mail) _____

In respect of the chosen Site/Lot below,

Food Truck | Lot A | Lot B (Circle as appropriate)

I/we offer the monthly rent (s) of \$_____

I hereby declare that if any information or documentation that I have submitted as part of my tender is found to be false, the Government of Bermuda reserves the right to treat that tender as invalid.

Name

Signature

Date

Document Checklist

- Letters from the Dept of Social Insurance, the Office of Tax Commission, and the Accountant General Dept
- Copies of statutory and regulatory licenses
- Business Proposal
- Pages 6 and 7
- Document showing legal status in Bermuda
- Financial Documents (if Company)

Please note that this application is for the 2017 Summer Season only.

