Contract No.: 595-10232-1

Agreement to Supply: YOGA PROGRAM INSTRUCTION SERVICES

This agreement, made and entered into this the 27 day of August, 2009, is by and between the **CITY OF FORT LAUDERDALE**, a Florida municipality, City Hall, 100 North Andrews Avenue, Fort Lauderdale, FL 33301, hereinafter called the "City," and Contractor:

Name: **Mark Roberts**

Address: **5218 NE 6 Avenue, Apt. 2F** City: **Oakland Park** State: **FL** Zip: **33334**

A Corporation ☐ A Partnership ☐ An Individual ☑ Other:

hereinafter called the "Contractor."

Witnesseth that: Whereas, the City did issue a Request for Proposal (RFP) for supplying the requirements of the City for the items and/or service listed above for a period of **one year, with four one-year extension options,** and the Contractor submitted a proposal that was accepted and approved by the City.

Formal authorization of this contract was adopted by the City Commission on: **April 7, 2009, Pur-02, CAR 09-0353**

Now, therefore, for and in consideration of the mutual promises and covenants herein contained, the parties covenant and agree as follows:

1. The Contractor agrees to provide to the City Yoga program instruction services during the period beginning **05/01/09** and ending **04/30/10** for the requirements listed above and according to the following specifications, terms, covenants and conditions:

a. This contract form G-110, the Request for Proposal containing General Conditions, Special Conditions, Specifications, addenda, if any, and other attachments forming a part of RFP Number **595-10232,** the Contractor's Revised Cost Information in response to Addendum No. 1 to the RFP, and the Contractor's proposal in response to the RFP form a part of this contract and by reference are incorporated herein.

b. In construing the rights and obligations between the parties, the order of priority in cases of conflict between the documents shall be as follows:

1) This contract Form G-110, Rev. 12/00
2) The City's RFP and all addenda thereto
3) Contractor's Revised Cost Information in response to Addendum No. 1 to the City's RFP
4) Contractor's bid/proposal in response to the City's RFP

c. Warranty: The Contractor by executing this contract embodying the terms herein warrants that the product and/or service that is supplied to the City shall remain fully in accord with the specifications and be of the highest quality. In the event any product and/or service as supplied to the City is found to be defective or does not conform to specifications the City reserves the right to cancel that order upon written notice to the Contractor and to adjust billing accordingly.

d. Cancellation: The City may cancel this contract upon notice in writing should the Contractor fail to reasonably perform the service of furnishing the products and/or services as specified herein upon 30 days written notice. This applies to all items of goods or services.

e. Taxes Exempt: State Sales (85-8013875578C-1) and Federal Excise (59-600319) Taxes are normally exempt, however, certain transactions are taxable. Consult your tax practitioner for guidance where necessary.

2. Contract Special Conditions: The following special conditions are made a part of and modify the standard provisions contained in this contract Form G-110.

3. Contract Summary:

a. Attachments:

Mark Roberts's response to the RFP, Addendum No. 1, Contractor's Revised Cost Information in response to Addendum No. 1 to the RFP, and a copy of the RFP document.

b. Payment Terms: **Per RFP**

c. Delivery: **Per RFP**

d. Insurance: Yes ☑ No ☐

e. Performance Bond/Letter of Credit: Yes ☐ No ☑

f. Procurement Specialist's Initials: **AD**

4. Contractor's Phone Numbers: **Office: 954-776-9102**

5. Contractor's Fax Number: **N/A**

6. Contractor's E-Mail Address: joyavayu@bellsouth.net

City of Fort Lauderdale

By: _____
Director of Procurement Services (City Manager's Designee)

Date: _____

Approved as to form:

_____
Senior Assistant City Attorney

Contractor/Vendor

Witnesses:

DIANA L. CORTESE
Print Name:

LUIS A SARACENO
Print Name:

_____
Mark Roberts

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 24 day of August, 2009, by Mark Roberts.

(SEAL)

Robin L Cross
Signature of Notary Public - State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification ✓

Type of Identification Produced Florida Drivers lic

ROBIN L CROSS
Notary Public - State of Florida
My Comm. Expires Dec 27, 2012
Commission # DD 835329
Bonded Through National Notary Assn.

PROPOSAL RESPONSE PAGES - PART V - BID/PROPOSAL SIGNATURE PAGE

How to submit bids/proposals: It is preferred that bids/proposals be submitted electronically at www.bidsync.com, unless otherwise stated in the bid packet. If mailing a hard copy, it will be the sole responsibility of the Bidder to ensure that the bid reaches the City of Fort Lauderdale, City Hall, Procurement Department, Suite 619, 100 N. Andrews Avenue, Fort Lauderdale, FL 33301, prior to the bid opening date and time listed. Bids/proposals submitted by fax or email will NOT be accepted. Please refer to Part VII for specific instructions for this RFP.

The below signed hereby agrees to furnish the following article(s) or services at the price(s) and terms stated subject to all instructions, conditions, specifications addenda, legal advertisement, and conditions contained in the bid. I have read all attachments including the specifications and fully understand what is required. By submitting this signed proposal I will accept a contract if approved by the CITY and such acceptance covers all terms, conditions, and specifications of this bid/proposal.

Please Note: If responding to this solicitation through BidSync, the electronic version of the bid response will prevail, unless a paper version is clearly marked **by the bidder** in some manner to indicate that it will supplant the electronic version.

Submitted by: [signature] 2/22/09
(signature) (date)

Name (printed) MARK ROBERTS Title: YOGA INSTRUCTOR

Company: (Legal Registration) _____

CONTRACTOR, IF FOREIGN CORPORATION, MAY BE REQUIRED TO OBTAIN A CERTIFICATE OF AUTHORITY FROM THE DEPARTMENT OF STATE, IN ACCORDANCE WITH FLORIDA STATUTE §607.1501 (visit http://www.dos.state.fl.us/doc/ **).**

Address: 5218 N.E. 6TH AVE. APT. 2F

City OAKLAND PARK State: FL. Zip 33334

Telephone No. 954 776-9102 FAX No. _____

E-MAIL: IOYAVAYJ@BELLSOUTH.NET

Delivery: Calendar days after receipt of Purchase Order (section 1.02 of General Conditions): _____

Payment Terms (section 1.03): _____ Total Bid Discount (section 1.04): _____

Does your firm qualify for MBE or WBE status (section 1.08): MBE _____ WBE _____

CONTRACT COPY

ADDENDUM ACKNOWLEDGEMENT - Proposer acknowledges that the following addenda have been received and are included in the proposal:

Addendum No.	Date Issued

VARIANCES: State any variations to specifications, terms and conditions in the space provided below or reference in the space provided below all variances contained on other pages of bid, attachments or bid pages. No variations or exceptions by the Proposer will be deemed to be part of the bid submitted unless such variation or exception is listed and contained within the bid documents and referenced in the space provided below. If no statement is contained in the below space, it is hereby implied that your bid/proposal complies with the full scope of this solicitation. HAVE YOU STATED ANY VARIANCES OR EXCEPTIONS BELOW? BIDDER MUST CLICK THE EXCEPTION LINK IF ANY VARIATION OR EXCEPTION IS TAKEN TO THE SPECIFICATIONS, TERMS AND CONDITIONS.

Variances: _____

TECHNICAL PROPOSAL- PART II

1. Being the resident Yoga instructor at the Holiday Park Activity Center for the past 24 years, including the last 5 years as an independent contractor. I try to provide a safe, clean, and comfortable room for all participants interested in learning the art of Yoga. Having had such a long relationship with the City I feel I have accomplished that successfully.

2. My classes are designed for beginner and intermediate level Yoga students. I teach meditation and relaxation basics, physical (hatha) Yoga (stretching and postures), breathing techniques, and simple tools for concentration enhancement and body balance and control.

3. I am a fully certified Yoga instructor. I have been teaching a Yoga course at Broward College (formally BCC) for the past 20 years. I taught at the Imperial Point Medical Center for 5 years.

4. I have been teaching Yoga for 28 years.

5. I provide my own supplies, Yoga mats and soothing music.

6. About 4000 student visits. (9 mos.in diff. location due HPAC reno.)

7. 500 classes (52 wks. X 10 classes minus holidays)

8. My lesson progression starts with guided meditation, lying down, sitting, and standing postures, with an intermix of breathing , mantra, and color visualizations, and a finishing meditation.

9. I'm the only instructor so the ratio varies I will teach a minimum of 2 to a max. of 36.

10. Adult participants (under 55) $ 12.00
    Seniors $10.00

City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #619 • Fort Lauderdale, Florida 33301
954-828-5933 FAX 954-828-5576
purchase@fortlauderdale.gov

ADDENDUM NO. 1

RFP # 595-10232
PROGRAM INSTRUCTION SERVICES, YOGA & AIKIDO

ISSUED February 20, 2009

The following changes are made to this Request For Proposal

1. Part IV, Section 21, second paragraph shall now read:

   The minimum concession rental fee the City will accept for Yoga Instruction will be $21,149. The minimum concession rental fee the City will accept for Aikido Instruction will be $16,044. Annual concession fees will be subject to current Florida State Sales Tax.

2. The opening date of this Request for Proposal has been changed to March 6, 2009.

All other terms, conditions and specifications remain unchanged.

Please sign and return this addendum, either with your proposal or under separate cover, on or before the revised opening date of this RFP. If submitting this addendum under separate cover, please indicate the proposal number and opening date on the face of your envelope in the lower left-hand corner. Proposers may retrieve their proposals or send a corrected copy prior to the revised opening date.

AnnDebra Diaz, CPPB
Procurement Services Department

I accept the revised concession rental fee.

Company Name:_____
(please print)

Proposer's Signature:_____

Date: 3/6/09

City of Fort Lauderdale • Procurement Services Department
100 N. Andrews Avenue, #619 • Fort Lauderdale, Florida 33301
954-828-5933 FAX 954-828-5576
purchase@fortlauderdale.gov

REVISED
PROPOSAL RESPONSE PAGES - PART I
COST INFORMATION
RFP 595-10232

Annual Concession Fee payable to the City, to be paid in equal monthly payments in advance:

01. YOGA

Annual concession fee first contract year: $ 21,149 (minimum acceptable $21,149)

Annual concession fee will be subject to current Florida State Sales Tax.
All subsequent renewal terms shall require a minimum of 5% increase in annual concession fee.

02. AIKIDO

Annual concession fee first contract year: $_____ (minimum acceptable $16,044)

Annual concession fee will be subject to current Florida State Sales Tax.
All subsequent renewal terms shall require a minimum of 5% increase in annual concession fee.

PROPOSAL RESPONSE PAGES - PART I
COST INFORMATION
RFP 742-9013

Annual Concession Fee payable to the City, to be paid in equal monthly payments in advance:

01. YOGA

Annual concession fee first contract year: $ 21,100 (minimum acceptable $21,100)

All subsequent renewal terms shall require a minimum of 5% increase in annual concession fee.

02. AIKIDO

Annual concession fee first contract year: $_____ (minimum acceptable $16,000)

All subsequent renewal terms shall require a minimum of 5% increase in annual concession fee.

PROPOSAL RESPONSE PAGES - PART II
TECHNICAL PROPOSAL

The following issues should be fully responded to in your proposal in concise narrative form. Each issue should be referenced and be presented in the following order:

1. Understanding of the City's needs for yoga and/or aikido instruction services and your overall approach to those needs.

2. Approach and concept for the provision of yoga and/or aikido instruction services.

3. Credentials, References, Professional Affiliations and Certifications for Contractor and their employees to be used in service.

4. Number of years teaching yoga and/or aikido.

5. Types of equipment, teaching aides the contractor provides. Any equipment, teaching aides expected to be provided by City.

6. Number of students instructed in the past year.

7. Number of classes and levels of classes instructed in the past year.

8. Detailed lesson progressions of instruction to be offered.

9. Student/Instructor ratio.

10. Program Fees to be charged to students.

PROPOSAL RESPONSE PAGES - PART III
QUESTIONNAIRE

1. Number of years experience the proposer has had in providing similar services: 28 years

2. List clients for whom you have provided similar services in the last three years. Provide agency name, address, telephone number, contact person, and date service was provided. If services provided differs from the one presented in your proposal, please delineate such differences. N/A

3. List those City of Fort Lauderdale agencies with which the proposer has had contracts or agreements during the past three (3) years: PARKS AND RECREATION

4. Lawsuits (any) pending or completed involving the corporation, partnership or individuals with more than ten percent (10%) interest: NO LAWSUITS

   a. List all pending lawsuits which are concerned directly with the staff or part of your organization proposed for the contract: NONE

   b. List all judgments from lawsuits in the last 5 years which are concerned directly with the staff or part of your organization proposed for the contract. N/A

The proposer understands that the information contained in these Proposal Pages is to be relied upon by the City in awarding the proposed Agreement, and such information is warranted by the proposer to be true. The proposer agrees to furnish such additional information, prior to acceptance of any proposal, relating to the qualifications of the proposer, as may be required by the City.

COMPLETE AND RETURN THE REQUIRED NUMBER OF **PROPOSAL PAGES AND ATTACHMENTS.**

PROPOSAL IDENTIFICATION: If mailed, please indicate on the face of your sealed proposal package the following:

RFP NO. 595-10232 OPENS 03/02/09

PROPOSAL RESPONSE PAGES - PART IV
NON-COLLUSION STATEMENT

By signing this offer, the vendor/contractor certifies that this offer is made independently and *free* from collusion. Vendor shall disclose below any City of Fort Lauderdale, FL officer or employee, or any relative of any such officer or employee who is an officer or director of, or has a material interest in, the vendor's business, who is in a position to influence this procurement.

Any City of Fort Lauderdale, FL officer or employee who has any input into the writing of specifications or requirements, solicitation of offers, decision to award, evaluation of offers, or any other activity pertinent to this procurement is presumed, for purposes hereof, to be in a position to influence this procurement.

For purposes hereof, a person has a material interest if they directly or indirectly own more than 5 percent of the total assets or capital stock of any business entity, or if they otherwise stand to personally gain if the contract is awarded to this vendor.

In accordance with City of Fort Lauderdale, FL Policy and Standards Manual, 6.10.8.3,

> 3.3. City employees may not contract with the City through any corporation or business entity in which they or their immediate family members hold a controlling financial interest (e.g. ownership of five (5) percent or more).
>
> 3.4. Immediate family members (spouse, parents and children) are also prohibited from contracting with the City subject to the same general rules.

Failure of a vendor to disclose any relationship described herein shall be reason for debarment in accordance with the provisions of the City Procurement Code.

NAME	RELATIONSHIPS

In the event the vendor does not indicate any names, the City shall interpret this to mean that the vendor has indicated that no such relationships exist.