

CITY OF WICHITA KANSAS

FP700033

REQUEST FOR PROPOSAL

RELATED TO

Locating a Professional Baseball  
Franchise in Wichita

And

Acquiring or Managing the  
National Baseball Congress

Due 07/13/2007

**June 6, 2007**

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## **I. INTRODUCTION**

The City of Wichita and Rich Baseball entered into a Lease Agreement (“Agreement”) as of January 17, 1988 and an Addendum thereto of March 19, 2002 governing the terms and conditions under which the City leased the premises of the City’s Lawrence-Dumont Stadium (the “Stadium”) to Rich Baseball who agreed to play all home games of the AA Texas League Wichita Wranglers (the “Wranglers”) and to hold the National Baseball Congress World Series (the “World Series”) through the 2009 baseball season. The City and Rich Baseball is negotiating into an Exit Agreement end of 2007 baseball season, wherein the City has released Rich Baseball from its obligations to play all Wrangler home games in the 2008 and 2009 seasons in Wichita in return for Rich Baseball agreeing to a sale of the National Baseball Congress, LLC (the “NBC”) to the City of Wichita in accordance with the terms of the Lease and Addendum.

The City of Wichita is in process to purchase the NBC from Rich Baseball. The Stadium is available for home regular and post-season play by a professional baseball franchise beginning with the 2008 baseball season. The City also intends that the 74<sup>th</sup> annual World Series in the summer of 2008 and a celebratory 75<sup>th</sup> anniversary World Series in 2009 be played at the Stadium.

The NBC held its first annual national baseball tournament in the Stadium in 1935 and will hold its 73<sup>rd</sup> World Series at the Stadium beginning July 29, 2007. A unique national tradition, the World Series is a community asset of Wichita’s, one that is valuable not only to the City’s tourism and hospitality industries, but also one that is of the traditions and fabric of the quality of Wichita life. The City intends that the World Series be permanently domiciled in Wichita.

It has been the City’s recent experience that the NBC is most efficiently and successfully operated when it is owned by the professional baseball franchise playing at and operating the Stadium. One organization, in that corporate structure, is able to provide stadium, marketing, sales, operating and business services for both baseball operations, and in some cases, such as sponsorships and advertising, create larger values for commercial inventories.

The City’s primary objective in this proposal process is to identify an individual or organization that will locate a professional baseball franchise in Wichita and maintain, reinforce, support and expand the success, economic impact, national stature and reach, as well as the community nature of the World Series. The City desires to receive proposals from individuals or organizations who wish to locate or relocate a professional baseball franchise in Wichita, to purchase or otherwise operate the National Baseball Congress and to manage and operate Lawrence-Dumont Stadium, including the provision of food and merchandising services, advertising and sponsorship sales, non-baseball events, entertainment and promotions.

The intent of this proposal is to identify interested ownership groups, gauge their capacity and experience in operating tournaments, franchises and stadiums, and to select the most qualified respondent to enter into a long-term relationship. The City anticipates entering into at least one Agreement with the respondent. The City is open to considering alternative ownership, management and business structures including, but not limited to management agreements, leases, leases with an option to purchase the NBC, agreement to purchase the NBC by an organization other than the Team and privatizing the Stadium and the Stadium site. While the City currently anticipates selecting one respondent to own and operate the Team and the NBC, and to operate the Stadium, the City welcomes alternative proposals.

**Responses to this RFP are due by 3:00 p.m. on Friday, July 13, 2007. A pre-proposal meeting will be held at 10:00 a.m. on Friday, June 22, 2007 at City Hall, 10th Floor, Training Room, 455 N Main, Wichita, KS following with a tour of the Lawrence-Dumont Stadium. Attendance at this pre-proposal meeting is for representatives of submitting respondents. A package of material including detailed NBC financial information and statements, plans for City funded Stadium improvements to be completed for the 2007 season, Stadium event calendar and attendance history will be distributed at that meeting.**

## **II. THE WICHITA MARKET**

Wichita, the largest city in the State of Kansas and the 51<sup>st</sup> largest in the United States, is the center of a metropolitan area home to 618,641 people as of July 1, 2005. Roughly equidistant between Tulsa, Oklahoma and Kansas City, Missouri, Wichita's four-county metropolis provides financial, medical, business, recreational and entertainment services to the south-central Kansas-northern Oklahoma region. Companies in the Wichita MSA have manufactured more than 60% of the world's general aviation aircraft. Combined with this strong general aviation base and a per capita concentration of manufacturing jobs and skilled labor that is second highest in the nation, Wichita accounts for nearly half of manufacturing employment earnings in the State of Kansas.

As of the 2000 Census, 32.1% of the 139,087 households in the City of Wichita had children under 18 living at home. Average household size was 2.44 persons and the average family size was 3.10. 63.0% of Wichita residents were 18-64 years old; their median age was 33. Household median income was \$39,939 and family median income was \$49,247.

Major private employers in the Wichita market include:

Cessna Aircraft	Bombardier Aerospace Learjet
Koch Industries	The Coleman Company
Spirit Aerosystems, Inc.	Wesley Medical Center
York International Raytheon Aircraft Co.	Raytheon Aircraft Co.
Via Christi Health Systems	Boeing Integrated Defense Systems
Wichita State University	

Wichita's major daily and Sunday newspaper is the Eagle; the Wichita Business Journal is published weekly and The Sunflower serves Wichita State University. Seven television stations serve the Wichita market; Cox Communications is the primary cable provider. Fifteen radio stations also serve the market, including KGSO, Wichita's All Sports Station.

## **III. BASEBALL IN WICHITA**

### **Professional Baseball**

Professional baseball was first played in Wichita in 1887. Wichita teams were a member of the Class A (Class C before 1909) Western League from 1905 through 1955, except for the 17 years between 1934 and 1950. Wichita became a member of the AAA American Association in 1958 through 1984, except for the 12 years between 1959 and 1970. The Wichita Wranglers membership in the AA Texas League began in 1987 and will continue through the 2007 season.

Reported attendance at Wranglers games over the 19 seasons (through 2006) that they were owned by Rich Baseball ranged from a low of 70,525 in the 1988 season to a high of 236,378 in

the 1993 season. Over the past five seasons, attendance has risen modestly each year from a low of 142,256 for the 2002 season to last year's 177,758 fans. Annual attendance averaged 160,079 over the last five years. Average individual game attendance was 2,486 fans per game over the same period.

### **The National Baseball Congress and its World Series**

The National Baseball Congress and its now well-established World Series were the brainchild of Wichita sporting goods salesman Hap Dumont in the midst of the Depression. The City of Wichita built for him a new stadium so that he would put on a national semi-pro tournament, drawing teams from coast to coast. Even though semi-pro national tournaments had failed previously, Dumont found a draw and offered Satchel Paige \$1,000 (that he didn't have) to bring his touring team from Bismarck, N.D., to compete in the first NBC tournament, in 1935. The tournament was a huge success from the start. The Sporting News, baseball's bible of the day, gave the event significant coverage, something it has continued to do for the entire history of the World Series. Thus, the national tournament was born.

Thousands of young prospects and ex-major leaguers have since played in the tournament, which has continued to be played at the stadium built for Hap. In the first few decades, most of the teams were either barnstorming semi-pro clubs or town teams sponsored by local factories. The typical star was an ex-professional, and quite a few of the players had played major league ball.

The World Series has evolved from a town-team tournament in the 30's and 40's, to an industrial-team tournament in the 50's, 60's and 70's, and now has become the men's amateur summer collegiate championship. Most of the players who compete today are college players. Their experience ranges from NCAA Division 1 schools to junior colleges.

Major league stars such as Roger Clemens, Barry Bonds, Tony Gwynn, Ozzie Smith, Tom Seaver, and more recently J.D. Drew, Lance Berkman, Morgan Ensberg and Albert Pujols have all played at the Stadium in the World Series. The tournament is scouted by all major league organizations and attendance for the two-week event regularly exceeds 100,000 fans.

The 72<sup>nd</sup> World Series was comprised of teams that qualified by being members of 20 Leagues and 19 Qualifying Tournaments affiliated with the NBC. Each League or Tournament must have eight teams affiliated with the NBC and winners of each qualify for the NBC. The NBC has approximately 500 affiliated teams.

The NBC provides membership services, insurance services, merchandising services and sells logoed baseball equipment, primarily bats and balls, to its affiliated teams. Each team that qualifies for and plays in the World Series is required to pay an additional affiliation fee when they come to Wichita. The teams invited by special invitation of the NBC to the tournament also pay this fee. Team USA, Chinese Taipei, Samoan, Mexican National and U.S. Military All-Stars are just such teams.

**Attendees at the pre-proposal meeting will be given a package of materials containing financial history and information of the NBC. A written question and answer period is a part of the proposal process in order, partially, to allow respondents time to further analyze the NBC and prepare their proposals.**

## **Wichita State University**

No overview of baseball in Wichita would be complete without reference to Wichita State University's baseball program. One of the most accomplished and successful in the nation, the school consistently qualifies for NCAA regionally qualifying tournaments that lead to the College World Series. WSU hosted an NCAA regional tournament for nine of the ten years of the 1990's. The Shockers have qualified for NCAA post season play in 21 of the last 24 years. Coach Gene Stephenson has won more Division 1 baseball games at WSU than any other Division 1 coach.

WSU plays at Eck Stadium, one of the most famous and highly regarded college baseball venues in the nation. Recent renovations have expanded the capacity of the ballpark to 7,851. Amenities include 2,569 box seats and an additional 1,218 chair back seats, all in a new concrete grandstand; 18 suites and a Club that includes 96 reserved box seats on a veranda in front of the club, all developed as a part of a new two-level press box structure; new and an increased number of restrooms and concession points of sale and the redevelopment of "Coleman Hill," the sloped outfield berm seating and picnic areas that accommodate grass and rock terrace seating in a unique environment.

## **IV. LAWRENCE-DUMONT STADIUM**

Lawrence-Dumont Stadium is one of the nation's most historic ballparks. Originally built in 1935, it was the home of the Texas League's Wichita Wranglers and is the home of the National Baseball Congress' World Series. It is the oldest baseball stadium in the nation still in use in professional baseball.

Originally built as a Work Projects Administration project in 1934 when promoter, Hap Dumont promised the City a national semi-pro baseball tournament if the City would construct a ballpark, Lawrence Stadium was opened with the first NBC World Series in 1935. The Stadium has undergone three major renovations, in 1978, 2002 and 2005. Hap Dumont's name was added to the Stadium name upon his death in 1971. The City is not willing to "sell" the name of the Stadium. The City is currently undertaking the schematic design for future improvements to the dugouts, concession stands and replacement of the artificial infield. Final design services and the construction of the improvements are not currently programmed.

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**Lawrence Dumont Stadium looking east towards Downtown Wichita**

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The ballpark sits across the street from the Arkansas River, looking east to downtown Wichita. Sited in a sports complex area that includes the Ice Arena at the corner of Maple and MacLean, the Stadium site of 16.9 acres includes the ballpark, a separate locker room/batting tunnel building, the NBC Walk of Fame and 1,125 parking spaces. Stadium seating capacity is approximately 6,400, 3,000 in chair back seats between the bases and 3,400 on bench seats. 10 suites seating 8 or 10 persons are on the same level as the press box.

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**Lawrence Dumont Stadium looking west at the seating bowl and press box**

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Bleachers down the right field line seat 254. Group picnic and seating areas that can accommodate 40 to 80 people are available down the left field line and behind the left field fence. The 360 degree walk around the stadium pays tribute to Wichita's rich baseball history with many plaques honoring the greats who have played at LD Stadium. The NBC Walk of Fame beyond the right field fence pays special honors to Hap Dumont and the rich history of the NBC.

A new video matrix board was installed in 2001 though scores are still hand posted, reflecting the historical feel of the ballpark. Concession services are provided by 12 to 15 points of sale at five fixed stands on the outside patio concourse, under the grandstand seating structure and on the walk around the ballpark. A Team/NBC store of 400 square feet is located immediately inside the main entrance to the ballpark.

The baseball field itself is unusual, reflecting the heavy use of the field by the NBC during its two week World Series. Approximately 80 games are played in that two week period, including three days of round-the-clock games over the first weekend of the tournament. Thus, the infield is an AstroTurf surface; the outfield is natural grass. The dimensions of the ballpark are 344 feet at the left field line, 401 feet at the Center field line and 312 feet at the Right field line.

## V. CITY'S GOALS AND OBJECTIVES

Please refer to the Introduction Section on page 2 to be read in combination with this section.

- **Goals of the RFP.** The City desires to receive proposals from individuals or organizations who wish to locate or relocate a professional baseball franchise in Wichita, to purchase or otherwise operate the National Baseball Congress and to manage and operate Lawrence-Dumont Stadium, including the provision of food and merchandising services, advertising and sponsorship sales, non-baseball events, entertainment and promotions.
- **Primary Objective.** The City wants to continue its long history as a home to a professional baseball organization. The City actively desires to attract, retain and support an organization that will play a full home and post-season schedule at the Stadium and that will continue Wichita's 120 year professional baseball heritage and tradition.
- **Additional Objective.** The City also wishes to identify an individual or organization that will maintain, reinforce, support and expand the success, economic impact, national stature and reach, as well as the community nature of the World Series. The City will consider any form of corporate relationship between itself and the selected respondent but under no conditions will the City enter into any Agreement wherein the World Series may be relocated from Wichita. The City is willing to entertain a proposal to sell the NBC to the respondent; in such an event, ownership of the NBC will be restricted by a reverter clause requiring the purchaser to sell the NBC back to the City in the event it either ceases to operate the professional baseball franchise or the NBC itself, or either fails to hold or expresses the intent not to hold the NBC World Series on an annual basis.
- **Structure of the City/Team/NBC relationship.** It has been the City's recent experience that the NBC is most efficiently and successfully operated by the professional franchise playing at and operating the Stadium. One organization, in that corporate structure, is able to provide stadium, marketing, sales, operating and business services for both baseball operations, and in some cases, such as sponsorships and advertising, create larger values for commercial inventories. Nonetheless, the City will welcome and

entertain alternative corporate relationship, lease and operating proposals from one or more related or unrelated entities.

- **Stadium Improvements.** The City has, over the last 15 years, undertaken a systematic capital improvement program at the Stadium. The City recognizes that additional improvements are required to enhance the fan experience, to improve player conditions and to enhance the revenue generating potential of the venue. The City is actively interested in public/private partnership proposals from respondents that address desired stadium program improvements, their costs and financing proposals.
- **Stadium Operations.** The City seeks a Stadium management and operator with demonstrated success in providing such services, including food services, in comparable facilities. Said operator may be the Team or a private firm. The successful respondent will be responsible for all stadium-operating expenses (not to include defined capital expenditures or related to defined City events) and will be entitled to all stadium-operating revenues (other than for defined City events). The City seeks to expand the event calendar of the Stadium and is interested in proposals for promoting or seeking baseball and non-baseball events.

## **VI. SOLICITATION OF PROPOSALS**

### **Submittal procedures**

Prior to submittal of proposals in response to this RFP, franchise owners or applicants should submit a letter to the City acknowledging receipt of this RFP and to inform the City of their intent to respond and to attend the pre-proposal meeting. The franchise owner or applicant should also provide the name, address, telephone number, facsimile number and the e-mail address of the primary contact for the development team.

Questions concerning this RFP should be submitted in writing to Melinda Walker, Purchasing Manager at email address [mwalker@wichita.gov](mailto:mwalker@wichita.gov) or mailed to the address below. The City will provide written responses to all attendees at the pre-proposal conference.

Respondents are required to submit information in the order and format requested in this RFP and to respond directly to the primary goals and objectives for the NBC, the professional franchise and the Stadium addressed in Section V and the Introduction. Failure to do so may cause the proposal to be considered non-responsive to the RFP. Information requested in the RFP and deemed to be privileged and confidential may be submitted in a separate envelope marked "Privileged and Confidential." The City will use its best efforts to protect such information from disclosure to the full extent allowable by law.

Electronic, telegraphic, or facsimile responses will not be accepted. Responses from organizations, individuals or their representatives who did not attend the pre-proposal meeting on Friday, June 22, 2007 will not be accepted. Submittals should be addressed to:

City of Wichita  
Melinda Walker, Purchasing Manager  
12<sup>th</sup> Floor, Purchasing  
455 N. Main St  
Wichita, KS  
Telephone: (316) 268-4636

## Respondent Qualifications

Respondents must include the following information describing the qualifications and expertise of their ownership group:

1. Cover Letter
  - a. The identity of the proposed franchise owner, the proposed owner or operator of the NBC, the relationship between those owners/entities if different parties and other members of the ownership group(s). Identify any members of the proposed ownership group who are residents of Wichita and describe their ownership interest. If any proposed owner is a business entity, rather than a natural person, provide the identity of those persons with controlling interest in the business entities proposed as owners.
  - b. A statement of intent with respect to the respondent's proposed Team, NBC and Stadium plan. Identify how the Team will be located in Wichita by the League – expansion or relocation; identify whether respondent intends to purchase the NBC or enter into an Agreement with the City to operate it.
  - c. An acknowledgement of receipt of this RFP stating that it is understood that all of the conditions of this RFP can be incorporated into any resulting Agreements.
  - d. A statement(s) signed by a representative authorized to legally bind the ownership group(s), including the identification of the corporate entity that will enter into Agreements with the City, indicating the intent to negotiate a binding Agreement or Agreements to locate and operate a professional baseball franchise in the City, to acquire and/or operate the NBC and to operate the Stadium, and identifying the individual authorized to execute such Agreements.
2. Ownership Qualifications
  - a. State whether you propose to acquire a professional baseball franchise that you locate in Wichita and/or the NBC. Clearly state in answers to each of the following what information applies to acquisition of both entities, the Team or the NBC.
  - b. Information describing the respondent's current organization, date of incorporation, corporate office, number of years in the baseball and stadium operations businesses, operating philosophy.
  - c. The most recent audited financial statement of the corporate entity that would control the franchise and the NBC entities. The most recent federal tax returns of the principal, controlling interest owner, managing or general partner or managing member and the individual franchised by the League. **(Please provide in sealed envelope. The City will only review the information provided by respondent(s) invited by the City for interviews and/or negotiations. All other envelopes will be returned unopened),**
  - d. Information describing other baseball franchises that the intended ownership controls and operates. Said information should include descriptions of teams, local team ownership participation, stadiums, tournaments, stadium operations, food service operations, game day operations, sponsorship, advertising and marketing programs, employment practices, minority participation policies. Said information should include team and tournament attendance history as well as on-field performance.

3. Management Qualifications
  - a. Identify the individual who will operate the professional baseball franchise.
  - b. Identify the individual who will operate and manage the NBC and the World Series.
  - c. Identify the individual who will be responsible for stadium operations.
  - d. Provide resumes describing the experiences, education, professional and personal qualifications and capacities of each of these individuals to deliver the operating plans proposed in your proposal. Provide three references for each individual.
  - e. It is strongly recommended that the proposed operator(s) of the Team and the NBC be present at any interview conducted by the City as a part of this RFP selection process.

### **League Relationship and Franchise Commitment**

Respondents must include the following information describing the League in which the Team will be a member:

4. League History
  - a. Identify what professional baseball league your proposed Wichita franchise will be a member of and play in.
  - b. Describe the corporate organization, management and governance structure of the League. Describe the corporate relationship of the Wichita ownership group to the League. Describe any cross-obligations or liabilities that the Wichita ownership group may have within the League structure.
  - c. Provide League audited financial statements including an income statement and a balance sheet prepared using generally accepted accounting principles
  - d. Identify what other markets are in the League and provide a table of road mileage travel distances between all cities in the League with each other and Wichita.
  - e. Describe the organization of the League; provide a history of the League including a table portraying the stability, location, relocation, expansion, contract and dissolution of teams over the last ten years. Provide attendance history of each team in the League for each of the last ten years.
  - f. Discuss any proposed League expansion plans.
5. Provide a binding commitment letter from the League, executed by individuals authorized to enter into legal obligations of the League, that the respondent will be granted the territorial rights to play all of its home regular and post-season games in Wichita during each League season if the respondent enters into a Lease Agreement(s) with the City.

### **Team and National Baseball Congress Operating Plans**

Respondents must include the following information describing the development and operating plans for each of the Team and the National Baseball Congress:

6. Provide a franchise development and operating plan. If any of the below items are not yet in place or cannot yet be determined, explain the process and timing on those items.

- a. To the extent not discussed in your answers to Section 2, Ownership Qualifications, above, identify the ownership group. Identify the majority owner and general partner. Identify the ownership shares of each party. Identify each local owner and his share.
  - b. If your proposed franchise is an “affiliated” franchise, identify the Major League team that will provide players. If your proposed franchise is an “independent” franchise, discuss how you will recruit and retain managers, coaches and players. Include in the latter discussion any special programs that might focus on Wichita and Kansas residents.
  - c. Provide a preliminary team operations and marketing plan that discusses your business philosophy and a team management plan that includes a discussion of diversity and minority participation programs.
  - d. Provide preliminary terms of a Stadium Lease Agreement that address the following:
    - i. Initial term and options
    - ii. Rent provisions
    - iii. Stadium maintenance definitions and responsibilities thereto
    - iv. Field maintenance obligations
    - v. Rights to categories of Stadium revenues
    - vi. Responsibility for game day expenses
    - vii. Definition of Stadium operating expenses and responsibilities thereto
    - viii. Concession, merchandising, food service and catering terms
    - ix. Parking terms
    - x. Exclusive use conditions
    - xi. Baseball Season, Baseball and Non-baseball Events
    - xii. City rights and City Events
    - xiii. Default provisions
    - xiv. Non-relocation clause
    - xv. If acquiring NBC, reverter clause in event of Lease default
7. Provide a National Baseball Congress development plan that addresses the following:
- a. Identify the method by which you propose to control the NBC
    - i. If you do not wish to acquire and/or operate the NBC, please so state.
    - ii. If you plan to purchase the NBC, LLC, to the extent not discussed in response to Section 2, Ownership Qualifications, above:
      1. Identify the ownership group. Identify the majority owner and general partner. Identify the ownership shares of each party. Identify each local owner and his share.
      2. Describe the corporate structure, management and governance of the acquiring entity.
      3. Describe the relationship of the ownership group of the Team and the NBC.
      4. Propose a purchase price.
      5. Propose purchase terms.
      6. Reverter clause in the event of default under the franchise or NBC Stadium Lease Agreement, or

7. Put option for sale back to City, method of valuation and terms of the sale.
- iii. Provide an NBC operating plan:
1. Describe the operating relationship of the NBC to the Team.
  2. Identify whether the NBC relationship with the City will be codified in a separate Lease or Operating Agreement or whether it will be a part of the Stadium Lease Agreement.
  3. Identify the individual who will be responsible for the day-to-day operations of the NBC. Identify other senior management NBC officials who will be responsible for each of the on-going affiliate relations, businesses and operations of the World Series. Identify to whom he or they will report.
  4. Propose an affiliate development and relationship plan that will retain and expand the Leagues and Tournaments currently affiliated with the NBC.
  5. Discuss how you will grow the World Series.
  6. Identify potential non-affiliated Leagues or Teams that you wish to invite to the World Series.
  7. Provide preliminary terms of a Stadium Lease Agreement that address the following:
    - a. Initial term and options
    - b. Rent provisions
    - c. Stadium maintenance definitions and responsibilities thereto
    - d. Field maintenance obligations
    - e. Rights to categories of Stadium revenues
    - f. Responsibility for game day expenses
    - g. Definition of Stadium operating expenses and payment responsibilities
    - h. Concessions, merchandising, food service and catering terms
    - i. Parking terms
    - j. Conditions for exclusive use by the operator
    - k. Baseball Season, Baseball and Non-baseball Events
    - l. City rights
    - m. Default provisions
    - n. Non-relocation clause

### **Stadium Capital Improvement Plan**

Respondents should present preliminary proposals for the future improvement of the Stadium:

8. State your approach to the proposed capital improvements to the Stadium:
  - a. Discuss plans for redevelopment of the Stadium including improvements to general seating, player facilities, the field itself, back of the house operating spaces, press facilities, fan experiences, concession and food service locations and services, merchandising locations and spaces, premium services and seating, advertising and sponsorship opportunities, parking improvements and overall site improvements.
  - b. Provide a preliminary capital improvement plan that:

- i. Identifies and describes each improvement
- ii. Provides a preliminary estimate of the cost of the improvement
- iii. Prioritizes the improvements in the form of identifying which year in a multi-year schedule the improvement should be completed
- c. Suggest an approach to financing the capital improvements plan. Identify proposed public and Team contributions; if a multi-year plan, identify contributions by party by year.

**Additional Considerations**

- 9. Provide a plan for the transition of Stadium operations and the NBC, from the Wranglers and Rich Baseball to the new Team, Stadium Operator and NBC management/ownership.
- 10. Discuss how respondent will maximize local participation in the Team and in the World Series.
- 11. At your option, provide any additional material, proposals or considerations that you believe will be of interest and value to the City in consideration of your response.

**VII. CRITERIA FOR EVALUATION**

Materials submitted by prospective owners will be evaluated based upon the following criteria:

- 1. The qualifications, experience and financial strength of the proposed ownership group and the management personnel identified who will operate the Team, the NBC and the Stadium. Previous experience in successfully operating professional baseball franchises and amateur, collegiate, semi-pro or junior regional or national tournaments is preferred. Proven successful experiences of the ownership group and management personnel in stadium and food service operations is preferred.
- 2. Local and community involvement in the ownership, management and operations, including, if appropriate, playing personnel, will be given particular consideration. The Evaluation Committee will give preference to those ownership groups that include significant investment contributions by Wichita area residents.
- 3. The proposed Team and NBC development, operating, marketing and financial plans. Consideration will be given to how the proposed plans integrate the Team and the NBC in order to efficiently and effectively operate and grow both operations. Special weight will be given to creative and unique plans to further develop, expand and grow the World Series. Assessment of League relationships, history, stability and compatibility with the Wichita market will be made.
- 4. Significant consideration will be given to the Stadium Lease Agreement terms proposed for each of or both of the Team and the NBC. Commitment to a clause wherein ownership of the NBC reverts to the City in the event of a Lease Default by the Team and/or NBC ownership is a critical element of the evaluation and great weight will be given to respondents' discussion of this lease clause.
- 5. The City is more interested in successful and growing operations of the Team and the NBC and the continued capital improvement of the Stadium than in an ongoing fiscal return on its capital investment. Thus, the proposed Stadium capital improvement plan,

including preliminary financing partnership proposals, coupled with the Stadium Leases will be of special interest to the City.

## VIII. SELECTION PROCESS AND SCHEDULE

1. Issue RFP June 6, 2007
2. Pre-proposal Conference in Wichita at June 22, 2007  
City Hall, 10<sup>th</sup> Floor, Training Room, 455 N Main,  
Wichita, Kansas on Friday, June 22, 2007 at 10:00 a.m.  
with a tour to follow at Lawrence Dumont Stadium

Contact: Melinda Walker, Purchasing Manager  
City of Wichita  
455 N Main, Wichita, KS 67202  
(316) 268-4636  
[mwalker@wichita.gov](mailto:mwalker@wichita.gov)

to confirm attendance, time and place. City Staff and NBC representatives as well as City architects will be available at Stadium

3. Written question and answer period
4. **One (1) original and ten (10) copies of the proposal must be received by 3:00 p.m. on Friday, July 13, 2007 at:**

City of Wichita  
12<sup>th</sup> Floor, Purchasing Office  
455 N Main  
Wichita, KS 67202  
(316) 268-4636  
[mwalker@wichita.gov](mailto:mwalker@wichita.gov)

Proposals received by the City after that date and time will not be considered.

5. Evaluation by City and Evaluation Committee estimated 45 days
6. Interviews with some, or all of the proposing estimated 60 days  
respondents
7. Period to begin negotiation of Memorandum of begins day 61  
Understanding of Lease Terms and, if appropriate  
Purchase Terms, or Stadium Lease(s) Agreements  
as appropriate
8. Recommendations of Agreement(s) to City Council
9. Approval(s) of City Council

## IX. SPECIAL CONDITIONS

1. The RFP does not commit the City to procure or award a contract for the scope of work described herein.
2. All information submitted in response to the RFP shall become the property of the City, and as such, may be subject to public review as public records.
3. The City has sole discretion and reserves the right to reject any and all responses received with respect to the RFP and to cancel the RFP at any time prior to entering into a formal

agreement with a management company. The City reserves the right to reasonably request additional information or clarification of information provided in the response without changing the terms of the RFP.

4. The City reserves the right to waive any technicalities or irregularities in any proposal.
5. Respondents acknowledge and agree that the City will not be liable for any costs, expenses, losses, damages (including damages for loss of anticipated profit) or liabilities incurred by the respondent or any member thereof as a result of, or arising out of, submitting a proposal, negotiating changes to such proposal or due to the City's acceptance or non-acceptance of the proposal.
6. The City shall provide the release of all public information concerning the project, including selection announcements and contract awards. Those desiring to release information to the public must receive prior written approval from an authorized representative of the City.
7. Neither the City nor any of its officers, agents, consultants or employees shall be responsible for the accuracy of any information provided as part of this RFP (including supplemental documents that may be provided upon request). All respondents are encouraged to independently verify the accuracy of any information provided. The use of this information in the preparation of a response to the RFP is at the sole risk of the respondent.
8. Any terms and conditions of the response to this RFP will remain in effect for 90 days after the date of submission.
9. The respondent shall not collude in any manner or engage in any practices with any other respondent(s), which may restrict or eliminate competition or otherwise restrain trade. Violation of this instruction will cause the City to reject the respondent's submittal. This prohibition is not intended to preclude joint ventures or subcontracts.
10. All responses submitted must be the original work product of the respondent. The copying, paraphrasing or other use of substantial portions of the work product of another respondent is not permitted. Failure to adhere to this instruction may cause the City to reject the response.
11. The City reserves the right to amend the RFP through written addenda. Although not anticipated, the City reserves the right to waive any portion of the selection process in order to accelerate the selection and negotiation with the top-ranked respondent

## **X. INSURANCE REQUIREMENTS**

1. The City of Wichita shall be named as an additional insured on all insurance policies required to be purchased as part of this contract.
2. The cost of all insurance coverage required by this contract shall be the cost of the Contractor.
3. The responsibility for paying any deductible amounts under any insurance coverage required as part of the contract shall be the sole responsibility of the Contractor.

4. All Workers' Compensation coverage shall be in compliance with the laws of the State of Kansas.
5. Additional coverages may be required pending review of contractor experience and qualifications and prior to award of contract.
6. Policy limits are specified as follows:
7. GENERAL LIABILITY
 

Commercial General Liability per occurrence	
Each occurrence	\$1,000,000
Damage to rented premises	100,000
Medical Expense (any one person)	10,000
Personal and Adv. Injury	1,000,000
General Aggregate	2,000,000
Products-comp/op	1,000,000
Employee Dishonesty coverage	250,000
8. AUTOMOBILE LIABILITY
 

Any Auto	\$1,000,000
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9. EXCESS/UMBRELLA LIABILITY
 

Occurrence	
Each Occurrence	\$1,000,000
Aggregate	2,000,000
10. WORKERS COMPENSATION AND EMPLOYERS' LIABILITY
 

Each Accident	\$1,000,000
Disease – Each employee	1,000,000
Disease – Policy limit	1,000,000
11. ADD INNKEEPERS LIABILITY, OTHER COVERAGES ASSOCIATED WITH FOOD AND LIQUOR, HIGHER LIMITS WITH RESPECT TO CGL, OTHER EXPOSURES AT STADIUM, SPECIAL PROPERTY COVERAGES WITH RESPECT TO WEATHER, LOSS OF EVENTS AND REVENUE, SECURITY/TERRORISM
12. Before an exposure to loss may occur, the Contractor shall file with the City of Wichita a copy of each policy that includes insurance coverage required by this contract. Each policy shall contain all generally applicable conditions, definitions, exclusions and endorsements related to this contract. Each policy shall contain a provision that the policy will not be canceled or allowed to expire, and its limits will not be reduced.
13. All insurance carriers and coverages are subject to approval by the City of Wichita, and shall be placed with carriers authorized by the office of the Kansas Insurance Commissioner to insure risks within the State of Kansas.

## **XI. OTHER SPECIAL WICHITA CONTRACT PROVISIONS**

1. Exhibit A -Non-discrimination/equal opportunity
2. No arbitration
3. Kansas as governing law
4. Sedgwick County as the appropriate venue
5. Indemnification of City for operations

### **RFP CONDITIONS**

Certification 1-The Consultant hereby certifies that:

A. The Consultant has not employed or retained for a commission, percentage, brokerage, contingent fee, override or other consideration, any firm or person at any time or for any purpose, (other than a bona fide employee working solely for the above Consultant) to solicit or secure this Agreement.

B. The Consultant has not agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the Agreement.

C. The Consultant has not paid or agreed to pay to any firm, organization, or person (other than a bona fide employee working solely for the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the Agreement, except as here expressly stated (if any).

Certification 2- The Consultant hereby certifies that:

No Lobbying and Influencing Federal and/or City Employees or City Council Members:

No Contact with City Council Members.

No Federal or locally appropriated funds shall be paid, by or on behalf of the contractor, to any person for influencing or attempting to influence an officer or employee of any agency, an officer or employee or City Council member of the City of Wichita, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant and the amendment or modification of any Federal grant.

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any Federal grant, the contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobby Activities" in accordance with its instruction.

Certification 3-The Consultant hereby certifies that:

Conflict of Interest

The Consultant certifies that no member, officer, employee, agent, or City Council member of the City of Wichita member exercising any functions or responsibilities with respect to the program outlined in this contract shall have any personal financial interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this agreement. The Consultant shall incorporate, or cause to be

incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purposes of this section. The Consultant shall use due diligence to ensure employees, Board members, family members and officers do not participate in contracts receiving funds pursuant to this agreement.

#### KANSAS OPEN RECORDS ACT

Pursuant to the Kansas Open Records Act (K.S.A. 45-215 et seq.), all proposals received become a public record once award of the contract or agreement has been approved by the City Council. Bidders should not expect the City to seek confidentiality protection for any claimed privileged or proprietary information in the written proposal just because the material is marked "confidential" or "proprietary." For any essential information that the bidder reasonably believes can be defended as being exempt from disclosure under the Act, the informal must be capable of being separated or redacted from the balance of the proposal and should be clearly and specifically marked as confidential or proprietary. For any material so designated, the City will seek to claim confidentiality if the justification for such confidentiality is readily apparent or if the bidder requests that the City to contact the bidders for guidance before making the material public. The City cannot guarantee the confidentiality of claimed material, however.

#### SUBCONTRACTING/JOINT VENTURES

Vendors are encouraged to consider subcontracting portions of the contract to emerging and disadvantaged businesses and women-owned businesses. A joint venture between two or more vendors is wholly acceptable if it serves the best interests of the City of Wichita. If this is done, the names of the proposed subcontracting vendors must be clearly identified in the proposal. Following an award of the contract, no additional subcontracting will be permitted without the express prior written consent of the City of Wichita. The firm receiving the contract award will be responsible for any work of such subcontractors and sign the contract with the City of Wichita.

#### EMERGING AND DISADVANTAGED BUSINESS PARTICIPATION

The City of Wichita encourages all bidders to include emerging and disadvantaged business participation in their proposals. Therefore, each vendor shall specifically identify the participation of emerging and disadvantaged contractors and subcontractors in the work to be performed by the vendor and shall list such emerging and disadvantaged contractors or subcontractors by name and show the dollar amount of work to be performed by each in the proposal.