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Noticed 05/19/23

PUBLIC NOTICE – PUBLIC WORKS & SUSTAINABILITY

The Public Works & Sustainability Committee will meet Monday May 22, 2023 at 7:30 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nochtka at (216) 529-5906 michelle.nochtka@lakewoodoh.net.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the May 1, 2023 meeting of the Public Works & Sustainability Committee.

Communication from Director Leininger regarding Winterhurst Ice Rink Operating Agreement.
(Referred to PWS 5/15/23)

Tristan Rader, Chair

Tom Bullock, Kyle Baker; Members

PUBLIC WORKS & SUSTAINABILITY COMMITTEE



**PLANNING &
DEVELOPMENT
DEPARTMENT**

12650 Detroit Avenue 44107 • (216) 529-6630 • FAX (216) 529-5907
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May 10, 2023

City Council
City of Lakewood
12650 Detroit Avenue
Lakewood, Ohio 44107

RE: Winterhurst Ice Rink Operating Agreement (14740 Lakewood Heights Boulevard)

Dear Council President Litten & Members of City Council,

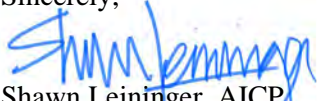
After careful consideration of the existing conditions and operations of the Winterhurst Ice Rink to determine if the current lease model is meeting community goals, the City determined that it is in the best interests of the community, the City, and the users of Winterhurst Ice Rink to exit the current lease agreement and explore an updated operational model for the facility. On March 27, 2023, the City notified the lessee of the facility that it would be terminating the lease in accordance with the provisions of the agreement. The City had previously entered into the lease agreement in 2008, last amended in 2018.


On March 28, the City released a Request for Qualifications (RFQ) to solicit interest from qualified ice rink facility operators to serve as an operator of the Winterhurst Ice Rink. This RFQ outlined a new operational model where the selected organization will work on behalf of, and report to, the City of Lakewood versus the previous model whereby the lessee operated as an independent business within the city-owned facility.

On April 21, eight Statements of Qualifications were received in response to the RFQ. With input from an Advisory Group of Winterhurst user organizations and other community stakeholders, the City shortlisted four firms to respond to a Request for Proposal (RFP) that was issued on May 5 (attached as Exhibit A). The responses (proposals) are due on May 26 and will be immediately evaluated by the Advisory Group and the City – including the conduct of an interview with each firm. The final selection of the operator will occur no later than June 7.

Recognizing the current lease agreement ends on June 30, the Administration is requesting City Council begin discussion of this new operating model in advance of receiving legislation authorizing the Mayor to enter into an operating agreement for the Winterhurst Ice Rink. In this regard, we request this communication and the forthcoming legislation be referred to a committee deemed appropriate by City Council.

Sincerely,


Shawn Leininger, AICP
Director of Planning & Development


David Baas, AICP
Assistant Director of Planning & Development



CITY OF LAKEWOOD

REQUEST FOR PROPOSALS

Operation of Winterhurst Ice Rink Facility

Issued May 5, 2023

Proposals due by 4:00pm on May 26, 2023



Winterhurst Ice Rink circa 1959 (Cleveland Memory; <https://clevelandmemory.contentdm.oclc.org/>)

PURPOSE

This request is issued by the City of Lakewood (hereinafter referred to as the “City”) to seek proposals from those shortlisted operators to perform all aspects of the operation and management of the Winterhurst Ice Rink Facility.

The successful operator will act as a contractor for the City and be expected to provide all staffing, routine maintenance/upkeep, repairs, amenities, marketing, and services for the operation of Winterhurst as an affordable and community-focused municipal ice rink facility.

It is critical that the operator work as a partner with the City to engage the community and establish Winterhurst as a “go-to” public-use venue for residents, especially our youth. The operator will be expected to achieve the following overarching goals:

1. Sustain the facility by upholding routine maintenance, upkeep, and cleanliness standards to the highest level.
2. Provide a first-class customer service experience that fairly and transparently manages the facility for the public good in response to the needs of the community and tenant organizations.
3. Strengthen the relationship between the facility, the community, and user organizations – retaining, supporting, and growing user groups and enhancing affordable, collaborative, ADM*-based programming and recreational opportunities to maximize the use of the facility for the public good and make it the premier ice facility in the region.
4. Work closely with City to maintain operations while long-term maintenance & capital improvements are made.

**American Development Model*

FACILITY LOCATION

14740 Lakewood Heights Blvd.
Lakewood, OH 44107

FACILITY DESCRIPTION

Opened in 1975 as a community-owned and operated facility, the Winterhurst Ice Rink consists of two sheets of ice (each 200’ x 85’) with a supporting lobby, skate rental room, pro shop, second floor lounge, office space, locker rooms, and a food/concession area. Since 2008, the City has been in an agreement with Iceland USA-Lakewood to lease and operate the facility.

The rink is located on the south side of Lakewood – the most densely populated city in Ohio, bounded on the east and south by Cleveland and to the west by Rocky River. With its location on Lakewood Heights Blvd., the rink is ¼ mile south of the city’s Madison Avenue commercial corridor, surrounded by residential neighborhoods, and directly adjacent to the I-90 corridor/Warren Road exit.

Winterhurst is proud to be the home to several hockey and skating organizations, including:

- Lakewood High School Hockey Team
- St. Edwards High School Hockey Team
- Bay Village High School Hockey Team
- Winterhurst Hockey Association
- Team Ohio Hockey Club
- Sunday Night Hockey League
- Winterhurst Figure Skating Club
- Winterhurst Learn to Skate
- Lakewood Speed Skating Club
- Trinity Special Olympics

GENERAL OPERATOR RESPONSIBILITIES

The operator will be responsible for providing all services at the facility including, at a minimum, the following:

- Clean, maintain, and operate the facility to meet the stated needs of the community and user groups.
- Prepare maintenance program and supervise the day-to-day and long-term maintenance, assisting the City in identifying budgetary requirements and specific capital projects.
- Supervise & control the reservation process, ensuring routine coordination & deconfliction, to promote efficient, equitable use by the public (i.e., public skate, ice times, special events/tournaments, etc.).
- Maintain and manage facility equipment and equipment rentals.
- Maintain appropriate food/beverage and pro shop services to meet needs of the public when ice rinks are in use.
- Collect and deposit all daily revenues, including, but not limited to, monies from ice rental fees, merchandise sales, equipment rentals, lessons, tournaments, and gift certificate sales.
- Promote ice skating and hockey-related activities as a public good in cooperation with the City.
- Schedule and facilitate tournaments, clinics, and promotions that meet with the City's image and priorities.
- Work collectively and collaboratively to provide a positive experience for the public.
- Attend meetings, as requested, with the City to provide updates on facility-related matters.

PROPOSAL

Building upon the statement of qualification (SOQ) submitted earlier in this process, this more detailed proposal is expected to fully illustrate how the prospective operator will approach, upon execution of a final agreement, all operations, management, and maintenance aspects of the facility including the duties and responsibilities described herein to achieve the City's overarching goals. The proposal should be organized and provide, at a minimum, the information in the following order:

Section 1: Introduction/Overview

The operator must include an executive summary that states how they view this opportunity and provides an overview of their approach. May also include an updated statement of the operator's experience, past performance, and capacity to deliver the proposed services.

Section 2: Operations and Management Approach

Proposal may include updated background and historical information about the operator (including principals and any sub-consultants or sub-contractors) but should focus on providing a holistic illustration of the intended approach to operating and managing the facility.

The following is provided to help further develop this section:

Hours of Operation

The operator will be required to operate and maintain the facility as an ice-skating arena with both rinks open from August until May at a minimum. During June and July, the rink may be shut down for limited period(s) of time to allow for necessary corrective and preventative maintenance and upkeep in balance with maintaining operational availability.

The operator shall propose an appropriate model to efficiently operate the facility – accounting for peak and non-peak hours to offer the necessary ice time for the public and all user groups. Hours of operation are expected to offer open/public skating opportunities as is determined and agreed upon between operator and City to meet the needs of the community. At a minimum, open/public skate sessions are expected to be held on Friday evenings, Saturday afternoons, and Sunday afternoons on at least one rink. Additional routine public opportunities – such as those for adults/seniors, parents with small children, and “skate and shoot” times will be offered on weekdays and weekends consistent with other scheduled programming.

Food/Beverage Service and Pro Shop

It is intended that the food and beverage service(s) will operate as is determined and agreed upon between operator and City to meet the needs of the public. It is expected that food and beverage services will be available whenever the facility is open for public skating events (Friday – Sunday), appropriate user organization events/functions (i.e., games, tournaments, competitions, etc.), and when specifically coordinated/requested by a user group. Recognizing that consistent staffing has been identified as a recent challenge towards maintaining food/beverage operation hours, operators are encouraged to explore and propose new partnerships and/or other options that could benefit the availability, quality, and/or connection of this service with the local community – one example being groups like school athletic boosters who operate concessions during high school athletic events.

The pro shop is expected to provide a small-scale retail service to meet the basic skating apparel and equipment needs for the public. The pro shop will operate with routine and predictable weekday and weekend hours – as is determined and agreed upon between the operator and the City.

Personnel and Supervision

The Operator will propose an appropriate staffing model and will be expected to maintain the necessary level of full- and part-time employees required to operate the facility in accordance with stated responsibilities and the City's overarching goals. The Operator will be responsible for all personnel aspects including, but not limited to hiring, training (including appropriate/industry-standard certifications), managing, scheduling, compensation, and all required local, state, and federal reporting.

Association Membership and Certifications

In consideration of the potential benefit(s) towards facility management and standards-based personnel training, the Operator will propose their approach to membership and/or certifications provided by nationally recognized organizations such as the United States Rink Association or Ice Sports Industry (ISI).

Reporting Requirements and Auditing

The Operator will be expected to submit routine reports to the designated City Administrator as is determined and agreed upon between operator and City, anticipated to include, but not be limited to, the following topics:

- Usage & Financial Data (past period).
- Operational Forecast, Major Upcoming Events.
- Staffing.
- Maintenance (completed, scheduled, or required).
- Capital Improvements (completed, scheduled, or required).
- Unresolved/Additional Issues.

In addition to the above, the operator will also be expected to cooperate fully in the conduct of any facility audit or investigation, including providing all relevant records as may be requested.

Section 3: Collaborative Programming Development and Marketing Approach

Operator will be expected to enhance collaboration and cooperation between the facility, the community, and other user organizations to support the development and growth of inclusive and cooperative programming based on the ADM framework. Promoting and helping to build this standard framework of collaborative hockey and skating programming – fostering a broad base of early age discovery, learn, and play activities while building up through youth, interscholastic, and life-long participation – is critical towards meeting the needs of the community and making Winterhurst the premier public ice facility in the region.

As a community-based municipal facility, it is important that the existing user organizations be at the center of this development effort. It is important that the Operator focus on the following lines of effort:

- **Retain.** Operator will propose how they will work to keep the variety of local user organizations across skating and hockey as the foundational structure upon which to build a more comprehensive and cooperative ADM-

based framework of programming, providing opportunities for all ages and levels of competition. This also includes working to retain existing instructor personnel.

- **Support.** Operator will propose how they will: (1) offer competitive rates and a collaborative/equitable process for scheduling for ice time; (2) facilitate instructor development and training/certification opportunities; (3) support user organizations in hosting area/regional/national competition opportunities; and (4) work to ensure the facility and its spaces and equipment appropriately support the needs of each organization (including any additional requirements to support national level competition events).
- **Grow.** Operator will propose how they will leverage Lakewood-centric marketing and partnerships (i.e. Lakewood City Schools, etc.) to promote and expand the “base of the pyramid” through early age discovery & learn to skate programming paired with a renewed focus on regular open/public skating and other options (broomball, etc.) to jumpstart and sustain growth in public participation and increase opportunities for community use.

The following is provided to help further develop this section:

Marketing, Advertising, and other Revenue Opportunities

The Operator will propose marketing strategies to promote the facility and activities in cooperation with the City. Strategies should include opportunities to partner with other local organizations to retain, support, and grow existing programming as well as attract new appropriate and compatible opportunities.

The City is open to selling advertising space on the dasher boards and other appropriate areas of the facility. Operators shall consider and propose advertising and/or other opportunities to assist with marketing, partnerships, and enhancing the connection of the facility to the community. The City reserves the right of approval for all advertising and all revenue for any such sales shall accrue to the City.

It is important to note that – in contemplating update(s) to the appearance of the main public spaces of the facility (lobby, both rinks) – any advertising be subordinate and complementary in placement and scale/scope to the intended new presence of appropriate color schemes and logos that represent and celebrate the community, teams, and organizations that call Winterhurst their “home ice.” The City is open to creative approaches to color schemes and equitable placement of community/team/organizational logos as part of their proposal.

Section 4: Transition, Existing Contracts, and Near-Term Priorities

Operators will propose their approach to how they will assume the facility and manage all reasonable existing commitments in a smooth and orderly manner. In addition, the City would like the Operator to also propose near-term (5-year forecast) priorities for facility improvements. The operator must discuss their methodology and should include a detailed plan of actions that will be conducted to support the transition. To help further develop this section, the following resources are available under the “Winterhurst References” drop-down menu at www.lakewoodoh.gov/Winterhurst-Operator2023:

- List of existing contracts/commitments through 2024 (*as provided to City*).
- 2022 Winterhurst Building Assessment.
- 2022 City Budget – Capital Improvement Plan (Winterhurst Facility).

Section 5: Maintenance Approach and Financial Projection

Operators will propose their approach to maintaining the facility and provide a refined 5-year financial projection with an accompanying fee schedule that considers both affordability and regional competitiveness.

For the purposes of this section, the approach to maintenance shall consider a division of labor between the Operator and City, with responsibilities along the following preliminary lines:

- As the owner of the building, the City is expecting to be responsible for all preventative and corrective maintenance associated with the building structure (walls, doors, windows), major utility systems (plumbing, electrical), roof, sidewalks, and parking lot repair/improvements (including electric vehicle charging equipment).

- The Operator will be expected to be responsible for the daily cleaning and upkeep of interior spaces and the preventative and corrective maintenance of all facility equipment and fixtures, operational systems (ice system, scoreboards, lighting/sound systems, etc.), and surrounding grounds/landscaping (including snow clearance).

It is intended that, on a routine basis (to be determined), the City and Operator will meet and tour the facility and review for maintenance and budgetary needs. The Operator will assist in identifying capital projects, expenditures, or the replacement of major items needed to improve and/or sustain the operation and maintenance of the facility.

It is important to note that all specific maintenance responsibilities – including those associated with the capital improvement process – will be determined and agreed upon in the final Operating and Maintenance Agreement.

The following is provided to help further develop this section:

Fee Schedule

The Operator will propose a comprehensive schedule of use and rental fees to be implemented for the 2023/2024 season (Aug – May). The fee schedule should consider peak/non-peak hours and discounted rates for Lakewood residents during Open/Public Skating events. If appropriate, Operator may propose additional fee considerations, discounts, or other options that would support the City’s overarching goals for the facility.

Utilities and Property Taxes

As the owner of this municipal facility, the City will be responsible for paying all associated utility (power, water, gas, etc.) expenses. The City will seek a property tax-exemption for the facility.

PROPOSAL EVALUATION CRITERIA AND SELECTION PROCESS

Evaluation of Proposals

In partnership with the Advisory Team of user organization and other public stakeholder representatives, the City will review proposals and evaluate each for the purpose of ranking them in relative position based on how fully each proposal meets the below evaluation criteria. The City shall be the sole judge of its best interests and in the evaluation of proposals. The City’s decision shall be final, and the ranking of the proposals shall be at the sole discretion of the City and/or Advisory Team. In ranking/scoring each proposal, the following categories and percentages shall be utilized:

<u>Percentage of Score</u>	<u>Evaluation Criteria</u>
40%	Extent that the proposal meets the overarching goals, stated responsibilities, and intent/guidance outlined by this document.
25%	Experience and ability of the operator to support and develop community programming and user organizations; including marketing plan.
15%	Financial projection, proposed fee schedule, maintenance program.
10%	Utilization and operation of the food/beverage, pro shop facilities.
10%	Creativity and quality of the overall proposal.

Interviews

Upon receipt of the submitted proposals, the City will schedule operators for an interview.

Selection of Operator

Following completion of all interviews, the City will select, notify, and enter contract negotiations with the selected operator.

SELECTION SCHEDULE

May 5	RFP Issued
May 12 (4pm)	Questions Submitted by Email
May 16 (5pm)	City Responses Posted
May 26 (4pm)	RFP Submittal Deadline
May 30 – June 2	Operator Interviews (Estimated)
June 7	Selection of Operator (Estimated)

INSTRUCTIONS FOR SUBMISSION

Proposal Format Requirements

Provide in a searchable .pdf format.

20 page maximum (content, not including cover page or table of contents).

Pages shall be 8.5 x 11 inches, except for relevant illustrative/supporting pages, which may be presented in 11x17 inch format if limited to only graphics, images, and/or designs and may not be used for narratives.

Font shall be no smaller than 10 point.

Questions must be submitted via email to planning@lakewoodoh.net. Please use "Winterhurst Operations RFP" followed by the company name as the subject heading. Questions received by email shall be answered by May 16 at 5pm and posted on the following website: www.lakewoodoh.gov/Winterhurst-Operator2023

Submit (1) .pdf copy of the proposal by 4:00pm on May 26, 2023.

Send responses electronically to:

David Baas (david.baas@lakewoodoh.net)
(Attn: Winterhurst Operations RFP)
Department of Planning & Development
12650 Detroit Avenue
Lakewood, OH 44107

OPERATING AND MAINTENANCE AGREEMENT

The relationship between the City and the successful operator will be finalized in the form of an operating and maintenance agreement to be negotiated following operator selection. The terms of this final agreement will, at a minimum, lay out a basic operations and management fee paid by the City to the operator to cover operating, management, and maintenance/upkeep expenses with the intent to build in additional, appropriate incentive provisions (success bonus) to encourage the attainment of our goals with the highest quality service and professionalism towards all community users.

In addition, the final agreement will also lay out the specific City and operator responsibilities regarding budgetary and contracting procedures required for long-term maintenance and capital improvements.

Below is a summary of key terms which are expected to be included in an Operating and Maintenance Agreement with the City. This is not an exhaustive list but is offered to provide insight into the structure the City is seeking subject to a final agreement and its approval by Lakewood's City Council and the Mayor.

1. **Term.** The initial term of the Agreement is anticipated to be ___ years with an effective start date of _____. The City is willing to agree to ___ additional annual extensions by mutual agreement after the initial term.
2. **Scope of Work.** The Agreement will require the Ice Arena Manager and its employees to use best efforts to operate the Ice Arena in a safe, clean, and aesthetically acceptable condition. The Manager will be required to perform quality customer service, provide routine maintenance, and operate the Ice Arena's related functions (concessions, skate rental, pro shop). In addition, the Manager will work to lease and market the Ice Arena while permitting ample time for use by Lakewood residents.
3. **City Responsibilities.** The City will cover reasonable operating expenses for the Ice Arena pursuant to an agreed budget with the Manager. The City will maintain the exterior of the facility, pay for utilities, and will have overall oversight responsibilities.
4. **Management Fee/Budgeting.** The City and the Manager will agree on a monthly budget of operating costs that will include an annual management fee to be paid monthly based on a formula to be agreed upon by the parties.
5. **Other Manager Income.** The City is willing to pay Manager an annual success bonus based on a percentage of revenues above operating costs.
6. **Insurance.** Manager shall be required to carry sufficient commercial liability insurance, in addition to insurance against employee theft, and worker's compensation/unemployment insurance.

ADDITIONAL INFORMATION

Expenses

The City accepts no liability for the costs and expenses incurred by firms submitting a proposal.

City's Rights

- The City reserves the right to cancel the RFP process and reject all proposals. The City shall have no liability to any firm arising out of such cancellation or rejection.
- The City reserves the right to waive minor variations in the selection process.
- The City reserves without limitation the right to approve or disapprove of the use of Sub-consultants, Sub-contractors, or Key Team Members, and/or substitutions and or changes from those identified in the proposal. Such approval or disapproval shall not be unreasonably exercised.
- The City reserves the right to contact references who are not listed in the firm's proposal and investigate statements on the proposal and/or qualifications of the firms or individuals identified in the proposal.

Public Disclosure

All documentation and submittals provided to the City may be considered public documents under applicable laws and may be subject to disclosure. Firms recognize and agree that the City will not be responsible or liable in any way for any loss firms may suffer from the lawful disclosure of information or materials to third parties.

Any materials requested to be treated as confidential, proprietary, or trade secrets must be clearly identified and readily separable from the balance of the proposal. Such designations will not necessarily be conclusive, and firms may be required to justify why such material should not, upon written request, be disclosed by the City under the applicable public records act. The City will endeavor to provide at least (2) business days' notice of a public records request for material submitted pursuant to this process. Firms must respond to the notice in writing with any objection to the production of the documents within (2) business days of receipt of notice. All costs incurred by firms associated with any public records request are the responsibility of the firms.