

**INSTRUCTIONS TO APPLICANTS
FOR
PORT OF MIAMI'S ANNUAL STEVEDORING PERMIT**

ISSUED BY:
Port of Miami

COUNTY CONTACT FOR THIS APPLICATION:

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APPLICATIONS ARE DUE AT THE PORT OF MIAMI NO LATER THAN:

December 31, 2009 at 12:00 noon (local time)

at

PORT OF MIAMI
1015 N. America Way, 2nd Floor
Miami, Florida 33132

The Port of Miami business hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. Additionally, Port of Miami Offices are closed on holidays observed by the County.

All permit applications received and time stamped by the Port of Miami prior to the permit application submittal deadline shall be accepted as timely submitted. The circumstances surrounding all applications received and time stamped by the Port of Miami after the permit application submittal deadline will be evaluated by the Application Review Staff in consultation with the County Attorney's Office to determine whether the permit application will be accepted as timely. Permit Applications will be opened promptly at the time and date specified. The responsibility for submitting a permit application on or before the stated time and date is solely and strictly the responsibility of the Applicant. The Port of Miami is not responsible for delays caused by mail delivery or caused by any other occurrence. All expenses involved with the preparation and submission of applications to the County, or any work performed in connection therewith, shall be borne by the Applicant(s).

1.0 GENERAL TERMS AND CONDITIONS

1.1 Introduction

The anticipated schedule for this Permit Application Process is as follows:

Permit applications available:	December 3, 2009
Permit applications due date:	(see front cover for date, time and place).
Anticipated permit issue date:	January 2010

The Port of Miami (POM) is among America's busiest ports and recognized throughout the world with the dual distinction of being the Cruise Capital of the World and the Cargo Gateway of the Americas. More than 800,000 TEUs (twenty-foot equivalent units) of cargo transited through the port last year, as well as cruise vessels calling the POM embarked and disembarked over 4.1 million passengers. To service the stevedoring needs of the Port's cruise and cargo line customers, eight annual POM stevedoring permits were issued in 2008. For 2010, the Port is inviting qualified stevedores interested in performing cruise and/or cargo stevedoring services at the POM to submit completed applications meeting the requirements of this solicitation by the deadline set forth below.

Based upon an annual determination of need, the Port Director has determined that up to eight (8) Port stevedoring permits may be issued for the upcoming 2009 permit year. The Port Director, however, reserves the right to revise this number should additional material information come to his attention or in response to changing market or other Port conditions. Notwithstanding the foregoing, the Port Director reserves the right to issue more or fewer Port permits depending on new or additional information received and/or changing market or Port conditions.

The Port Director shall grant stevedoring permits only to responsive and responsible applicants that meet the requirements of the subject solicitation documents, and only in numbers up to the ceiling set forth above. Should the number of responsive and responsible permit applicants exceed the maximum number of allowed permit holders (as determined by the Director), permits will only be awarded to the best qualified and highest ranked responsive and responsible applicants, evaluated in accordance with the selection criteria set forth below.

2.0 SCOPE OF SERVICES

2.1 Background

No person shall act as a stevedore within the Port of Miami without first having obtained a stevedore permit from the Director. The application for a stevedoring permit for the Port of Miami shall be made by a person, including a corporation or partnership, and shall be submitted under oath to the Director. The Director shall not consider an application for a stevedore permit unless the applicant has a stevedore license or employs a natural person so licensed. The Director shall examine the qualifications of the applicants and shall issue the permit only if the criteria established in Section 28A-6 are met. No person shall employ a stevedore to perform stevedoring services within the Port of Miami unless such stevedore has a stevedoring permit and either has a stevedore license or employs a natural person so licensed.

(a) Each application for a County stevedore license or Port of Miami stevedore permit shall be filed together with a personal character form furnished by the County Manager or the Director and completed and sworn to by the applicant. If the person applying for a stevedore permit is a corporation or other non-natural person, the personal character form shall be completed by the chief executive officer of the entity on behalf of the entity.

(b) The applications for the County stevedoring license and the Port of Miami stevedore permit shall

require the applicant to report in writing any affiliation, as an employee, partner, associate, officer, trustee, director or owner of greater than a twenty (20) percent share (directly or indirectly) of or any person, corporation, partnership, joint venture, association, firm, business trust, syndicate, municipal or other governmental body which may directly or indirectly be involved with the shipment or handling of freight. If so affiliated, the application must be accompanied by a written list of such affiliations and the names and addresses of persons or members of any such corporation, partnership, joint venture, association, firm, business trust, or syndicate. The name and address of each person holding a controlling financial interest in the corporation, partnership, joint venture, association, firm, business trust, or syndicate, according to the definition of "controlling financial interest" contained in Section 2-11.1(b)(8), Code of Metropolitan Miami-Dade County, shall be provided by the applicant.

(c) All stevedore permit holders shall keep all ownership and controlling interest information current over the course of the stevedore permit. A stevedore permit holder shall notify the director in writing, with a copy to the County Manager, of any change in the identity of persons holding a "controlling financial interest" in the permit holder contemporaneously with the occurrence of such change, and state in its notice whether the underlying transaction was approved by the Committee on Foreign Investment in the United States ("CFIUS") pursuant to 50 U.S.C. App. SS2170, if applicable, and if so, the date of such approval. The port director shall have the authority to request that a background investigation of such persons be performed by the Miami-Dade Police Department.

2.2 Selection Criteria

The Port Director shall grant stevedoring permits only to responsive and responsible applicants that meet the requirements of this solicitation and the County Code, and only in numbers up to the ceiling determined by the Port Director's needs assessment. Should the number of responsive and responsible permit applicants in a given year exceed the number of needed stevedore service providers (as determined by the Port Director), the Director, or his designee(s), shall qualitatively evaluate and rank the pool of applicants based on the following competitive selection criteria:

1. Applicant's qualifications, experience, certifications, equipment and other demonstrations of applicant's ability to service the cargo and/or cruise stevedoring needs of lines calling the Port of Miami;
2. Applicant's work-related safety record over the last five (5) years, including, without limitation, the frequency or severity, or both, of work-related accidents, injuries, or deaths; and/or citations, judgments, consent decrees, notices of violation or rulings issued by OSHA and other regulatory agencies;
3. Applicant's ability and facilities to properly store, maintain, and repair required stevedoring equipment;
4. Applicant's demonstrated stevedoring business at the Port of Miami as indicated by prior year's stevedore business volumes at the Port of Miami or presentment of firm contracts with stevedoring customers using the Port of Miami or firm commitment letters from customers (lines) formally nominating applicant as their appointed stevedore at the Port of Miami;
5. Suitability or compatibility of applicant's operations and business to the Port of Miami's infrastructure and facilities, including, without limitation, the physical ability of the Port, its infrastructure and facilities to efficiently and safely handle the vessel(s), passengers, freight, and/or stevedoring services, facilities and equipment proposed by the applicant;
6. Financial strength of applicant, including, without limitation, the applicant's ability to secure required insurance, indemnity and performance bonds;
7. Applicant's demonstration of employing, or having access to, properly qualified and experienced longshoremen in sufficient numbers to meet operational needs in a safe and efficient manner;

8. Whether the granting or denial of the sought permit will adversely impact efficient cargo terminal operations or other operations at the Port of Miami;
9. Special demands upon or savings to the County; and
10. Any other criteria listed in Section 28A-6 of the code of Miami-Dade County.

2.3 Seaport Security

The Permit Applicants shall comply with all Seaport security requirements, including such requirements as to inspection of vehicles entering and leaving the security area and personnel identification badge as required by Chapter 28-A of the Miami-Dade County code.

3.0 RESPONSE REQUIREMENTS

3.1 Minimum Requirements

1. In response to this permit application, the Applicant should **return the entire completed Permit Application Package** (see attached). Applicants should carefully follow the format and instructions outlined therein. All documents and information must be fully completed and signed as required. The application shall be written in sufficient detail to permit the County to conduct a meaningful evaluation and supplemental pages and/or information may be provided where responsive.
2. Applicant, or a principal or employee thereof, must be a County stevedoring license holder.
3. Attach County Stevedoring License from prior year or demonstrate that license is being applied for concurrently herewith.
4. All stevedores are required to furnish certificates of insurance demonstrating compliance with the minimum insurance requirements set forth in Section 5 below.
5. Identify the principal or employee that is the County Stevedoring license holder, attach a copy to the application, and explain the relationship between the license holder and the applicant.

4.0 EVALUATION PROCESS

4.1 Review of Permit Application for Responsiveness

Each permit application will be reviewed to determine if the application is responsive to the submission requirements outlined in this Instruction to Applicants. A responsive permit application is one which follows the requirements of this Instruction to Applicants, includes all required documentation, is submitted in the format outlined in this Instruction to Applicants, is of timely submission, and has the appropriate signatures as required on each document. Failure to comply with these requirements may result in the permit application being deemed non-responsive.

4.2 Right to Administrative Appeal Per County Code section 28A-7

Unsuccessful applicants may seek to appeal the decision of the Port Director in accordance with the requirements of County Code section 28A-7.

5.0 TERMS AND CONDITIONS

5.0 Insurance Requirements

All companies must provide a certificate of insurance. The certificate must be for a minimum liability amount as stipulated below.

1. Worker's Compensation Insurance as required by Florida Statute 440 including coverage required under the U.S. Longshoremen and Harbor Workers' Act.
2. General Liability including Stevedores Legal Liability on a comprehensive basis including Bodily Injury, Property Damage and in an amount not less than \$5,000,000 Combined Single Limit per occurrence. **Miami-Dade County must be shown as an additional insured with respect to this coverage.**
3. Automobile Liability Insurance covering all owned, non-owned and hired vehicles used in connection with the work, in an amount not less than \$500,000 Combined Single Limit per occurrence for bodily injury and property damage.

6.0 ATTACHMENTS

Stevedoring Permit Questionnaire