

**BSN Sports, Passon's
Sports, & US Games**
Company Submitting Bid

REQUEST FOR PROPOSALS



RFP NO: B-17-06

TITLE: ATHLETIC APPAREL, EQUIPMENT AND AWARDS

ADVERTISEMENT: November 1, 2016

DUE DATE: November 17, 2016 TIME: 2:00 PM

**SUBMIT TO: TOWN OF DAVIE
Purchasing Division
Attn: Brian K. O'Connor
6591 ORANGE DRIVE,
DAVIE, FLORIDA 33314
BID NO. B-16-109**

COUNCIL APPROVAL: January 2017

3.10

REFERENCES

Minimum of three business references - (please print)

- 1. NAME _____
ADDRESS _____
PHONE _____

- 2. NAME see enclosed _____
ADDRESS _____
PHONE _____

- 3. NAME _____
ADDRESS _____
PHONE _____

LIST EXPERIENCE IN MUNICIPAL RECREATION SETTINGS.

AGENCY: Town of Riverhead, NY
DATES: Ongoing
CONTACT NAME AND PHONE NUMBER: Sean Walter 631-727-3200

AGENCY: Tallahassee Parks and Recreation
DATES: Ongoing
CONTACT NAME AND PHONE NUMBER: Lin Stokes 850-891-3875

AGENCY: Miami-Dade County Parks and Recreation
DATES: Ongoing
CONTACT NAME AND PHONE NUMBER: 305-270-2984

Proposals must include completed W 9 Form and completed Bidder/Disclosure Form.



REFERENCES

Philadelphia School District
440 North Broad Street
Philadelphia PA 19130
Bettyann Creighton, Physical Education Director
Phone: 215-400-6804
bcrighton@philasd.org

Loudoun County Public Schools
21000 Education Court, Suite 301
Ashburn, VA 20148
Mary Anne McConnell, Purchasing Department
Phone: 571-252-1000
maryanne.mcconnell@lcps.org

Montgomery County Public Schools
45 West Gude Drive
Rockville, MD 20850
Tonya Faulkner, Purchasing Department
Phone: 301-279-3638
Tonya_b_faulkner@mcpsmd.org

Pasco County School District
7301 Land o Lakes Blvd.
Land o Lakes FL 34638
Michael J. Woodall, Purchasing Department
Phone: 813-794-2221
mwoodall@pasco.k12.fl.us

Phillipsburg School District
200 Hillcross Boulevard
Phillipsburg, NJ 08868
Thomas Fisher, Athletic Director
Phone: 908-213-2555
fisher.thomas@pburgsd.net

P.O. Box 49 - Jenkintown, PA 19046
Phone: (800) 445-9446 Fax: (800) 523-5112

Visit us online at
www.bsnsports.com & www.usgames.com

Request for Taxpayer Identification Number and Certification

Give Form to the
 requester. Do not
 send to the IRS.

Print or type
 See Specific Instructions on page 2.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank. Varsity Brands Holding Co., Inc.	
2 Business name/disregarded entity name, if different from above BSN Sports LLC dba BSN Sports, Passon's Sports, & US Games	
3 Check appropriate box for federal tax classification; check only one of the following seven boxes: <input type="checkbox"/> Individual/sole proprietor or single-member LLC <input type="checkbox"/> Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=partnership) ▶ _____ <input type="checkbox"/> Other (see instructions) ▶ _____ Note. For a single-member LLC that is disregarded, do not check LLC; check the appropriate box in the line above for the tax classification of the single-member owner.	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from FATCA reporting code (if any) _____ <i>(Applies to accounts maintained outside the U.S.)</i>
5 Address (number, street, and apt. or suite no.) P.O. Box 49	Requester's name and address (optional)
6 City, state, and ZIP code Jenkintown, PA 19046	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the instructions for line 1 and the chart on page 4 for guidelines on whose number to enter.

Social security number	
[] [] [] - [] [] - [] [] [] [] [] []	OR
Employer identification number	
4 7 - 2 4 6 0 2 7 2	

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions on page 3.

Sign Here Signature of U.S. person ▶ *Rayon M. Chambers* Date ▶ *11/2/16*

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.
Future developments. Information about developments affecting Form W-9 (such as legislation enacted after we release it) is at www.irs.gov/fw9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)

- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
 - Form 1099-C (canceled debt)
 - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.
- If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding? on page 2.*
- By signing the filled-out form, you:
- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
 - Certify that you are not subject to backup withholding, or
 - Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and
 - Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting?* on page 2 for further information.

4.0 Pricing

The Town of Davie is accepting bids on specific items that meet our standards and league criteria. No items may be substituted, unless the item requested is no longer being manufactured. If an item is no longer available, the Town of Davie will accept products that are of equal or lesser value. Acceptance of substitute products will be reviewed by Town of Davie Athletic Staff to determine if the proposed product meets the standards and league criteria. Acceptance of a substitute product is at the sole discretion of the Town of Davie.

Athletic Apparel, Equipment & Awards

Section 1 Baseball	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
<u>Baseballs</u>			
Mac Gregor #56 official tee ball MCB56TBX exactly as spec'd	6 dozen	<u>\$16.99</u>	<u>\$101.94</u>
Rawlings ROLBI-USSSA 1055801 exactly as spec'd	20 dozen	<u>\$46.99</u>	<u>\$939.80</u>

Baseball Uniforms

All uniforms will be priced per package which includes hat, jersey, belt, pant, and socks

Youth sizes

Jersey

Youth, MLB Eagle 2 button Color block Jersey, 100% polyester short sleeve, closed hole mesh with moisture wicking, contrast fabric color blocking, curved bottom hem, screen printed team logo or woodmark, 1 color number 6" number. Sizes Youth S through YL. (MJY83) exactly as spec'd

\$19.49

Hats

Youth Major League Replica Caps by Outdoor Cap, features 3D logo, cotton twill construction and adjustable tab back

MLB300Y
exactly as spec'd

\$6.99

Belts

Elastic baseball belt with matching leather tabs, nickel plated buckle, adjustable, 1 and 1/2 width.

BSN 1172577
exactly as spec'd

\$1.99

Section 1 Baseball

Estimated amount

Price per

Total

Alleson belted baseball pant, 100% polyester double knit, double knee, 2-1/2 non-roll elastic waistband with two snap closures, pro-style tunnel pant loop, zipper front and back pocket.

Sizes YS through YL

AA605PY exactly as spec'd

\$9.50

Socks

All sport one color socks, 85% acrylic, 10% nylon, 5% lycra spandex. Sizes Junior and Youth

C20J and C20Y
exactly as spec'd

\$2.03

Package Price

sold in dozens priced each

150 sets

\$40.17/set

\$6,025.50

Adult sizes

Jersey

Adult, MLB Eagle 2 button Color block Jersey, 100% polyester short sleeve, closed hole mesh with moisture wicking, contrast fabric color blocking, curved bottom hem, screen printed team logo or woodmark, 1 color number 6" number. Sizes AS through

AXXL (*MJI383*) exactly as spec'd

\$22.49

Hats

Adult Major League Replica Caps by Outdoor Cap, features 3D logo, cotton twill construction and adjustable tab back
MLB300A exactly as spec'd \$6.99

Belts

Elastic baseball belt with matching leather tabs, nickel plated buckle, adjustable, 1 and 1/2 width.
BSN 1172577 exactly as spec'd \$1.99

Pants

Alleson belted baseball pant, 100% polyester double knit, double knee, 2-1/2 non-roll elastic waistband with two snap closures, pro-style tunnel pant loop, zipper front and back pocket. Sizes AS through AXL
AA605P exactly as spec'd \$10.49

Section 1 Baseball	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
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Socks

All sport one color socks, 85% acrylic, 10% nylon, 5% lycra spandex. Sizes Varsity
CAOV exactly as spec'd \$2.03
sold in dozens priced each

Package Price	100 sets	<u>\$44.32/set</u>	<u>\$4,432.00</u>
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EQUIPMENT

	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
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Section 2 Soccer

Soccer balls

Nike Aerow ball size 3, 4, 5. No Exceptions unless ball is discontinued

No. 3	<i>1375369</i> exactly as spec'd	<u>50</u>	<u>\$12.49</u>
No. 4	<i>1375370</i> exactly as spec'd	<u>50</u>	<u>\$12.49</u>
No. 5	<i>1375371</i> exactly as spec'd	<u>50</u>	<u>\$12.49</u>

Soccer goals

Alumagoal 3" Round Classic Club Goals 8'Hx24'x3'Dx8.5'B	SGA300	exactly as spec'd	<u>\$1,849.99</u> per pair
6.5'Hx18.5'Wx2'Dx7'B	SGA302	exactly as spec'd	<u>\$1,499.99</u>
6.5'Hx12'Wx2'Dx7'B	SGA303	exactly as spec'd	<u>\$1,399.99</u>
4.5'Hx9'Wx2'Dx4.5'B	SGA304	exactly as spec'd	<u>\$999.99</u>
Alumagoal 4" Euro Stadium Goal, official size 8'Hx24'Wx3'Dx9'B.	SGA403	exactly as spec'd	<u>\$2,995.99</u> ↓

	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
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Soccer Uniforms

All uniforms will be priced per package

which includes jersey, short, and socks, standard White / Black Number 6', Standard 2-color white and black Play Davie Logo left chest 3.5"

Score Camo USA No.220 sizes YS through YL, shorts B1140, socks 800	<u>400 sets</u>	<u>\$13.99/set</u>	<u>\$5,596.00</u>	Champro 5J10Y - Jersey 5S10Y - Short A52 - Sock
Score Chile 275 No. 275 sizes YS through YL, shorts B1140, socks 800	<u>300 sets</u>			
Goalkeeper shirt Barbados No. 301 sizes YS through AXXL	<u>75 shirts</u>	<u>\$11.99 each</u>	<u>\$899.25</u>	High Five 24351-Y 24350-A
Score Camo USA No.220 sizes AS through AXXL, shorts B1140, socks 800	<u>300 sets</u>	<u>\$14.99/set</u>	<u>\$4,497.00</u>	Champro 5J10A - Jersey 5S10A - Short A52 - Sock
Score Chile 275 No. 275 sizes AS through AXXL, shorts B1140, socks 800	<u>200 sets</u>			

Section 3 Flag Football

Footballs

MacGregor MX Leather Series, NFHS approved, 4-ply TPU Bladder, Pee Wee, Junior, Youth

	<u>Estimated amount</u>		<u>Price per</u>	<u>Total</u>	
Pee Wee	1384389	20	\$35.99 each	\$739.80	exactly as spec'd
Junior	1384388	20	\$38.99 each	\$779.80	exactly as spec'd
Youth	1384387	20	\$40.99 each	\$819.80	exactly as spec'd

All uniforms will be priced per package

which includes jersey, short, standard One color Number 6', 2 Color Play Davie on front

Jersey, Alleson 7VSXS fitted sleeveless training shirt

Youth sizes S through L, 7VSXS

\$21.49

<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
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Section 3 Flag Football

Jersey, Alleson 7VSXS fitted sleeveless training shirt

Adult sizes S through XXL, 7VSXS

\$23.99

Shorts, Alleson 560 series extreme mesh tech short, 569P Adult sizes S through XXL

Adult 569P
Youth 566PY

150 sets	\$23.99/set	\$3,598.50	Adult
	\$21.49/set	\$3,223.50	Youth

	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
<u>Section 4 Basketball</u>			
<u>Basketballs</u>			
Macgregor X100, microfiber composite construction, indoor use only			
Size 29.5 <i>MCX100XH</i> exactly as spec'd	<u>15</u>	<i>\$19.99 each</i>	<u>\$299.85</u>
Size 28.5 <i>MCX128XH</i> exactly as spec'd	<u>15</u>	<i>\$19.99 each</i>	<u>\$299.85</u>
MacGregor X600			
Size 27.5 <i>MCX6275X</i> exactly as spec'd	<u>15</u>	<i>\$14.99 each</i>	<u>\$224.85</u>

Uniforms

All uniforms will be priced per package

which includes jersey, short, standard One color Number 6' on both sides

ANBAY/A105LY Youth

Jersey, NBA Replica, 100% colorfast polyester double ply, extreme tear drop fully reversible jersey-soft, cool, lightweight mock mesh material, Authentic NBA logo on center front and reverse side. NBA logo man on upper left side and NBA woven jock tag for identification.

ANBAA/A105LA Adult

	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
<u>Section 4 Basketball</u>			
Shorts, Alleson 560 series extreme mesh tech short, 566PY Youth sizes S through L			
		<i>\$16.99 Jersey</i>	
		<i>\$5.50 Short</i>	
	<u>180 sets</u>	<i>\$22.49/set</i>	<u>\$4,048.20</u>

\$ 17.99 Jersey

 \$ 6.50 short

ANBAA, Adult S through XXL
 Shorts, Alleson 560 series extreme
 mesh tech short, 569P Adult sizes S
 through XXL

100 sets \$24.49/set \$2,449.00

Section 5 Trophy's

	<u>Estimated amount</u>	<u>Price per</u>	<u>Total</u>
Flame Soccer Resin 7.25"	<u>500</u>	<u>No Bid</u>	<u> </u>
Mega Star Soccer Resin 6"	<u>500</u>		<u> </u>
Bobble Action Soccer Resin 5.25"	<u>500</u>		<u> </u>
Motion-X Soccer Resin 5"	<u>500</u>		<u> </u>
Baseball Trophy Band Resin 6.5"	<u>270</u>		<u> </u>
Bobble Action Baseball Award 6"	<u>270</u>		<u> </u>
Star Burst Basketball Trophy 5.5"	<u>270</u>		<u> </u>
Basketball Comet Award 6"	<u>270</u>		<u> </u>
Bobble Action Football Award 5.25"	<u>300</u>		<u> </u>
Football Comet Award 6"	<u>300</u>		<u> </u>

Bidders must return:

Bidders are not required to bid on all sections, however bidders are required to complete pricing for the section they are bidding on.

All Required Submittals listed on Page One of this Bid Specification.

Executed by: Ryan McGracken

(Type or print name)

Title: Bid Specialist

For (Company): BSN Sports, Passon's Sports, & US Games

Address: P.O. Box 49
Jenkintown, PA 19046

Telephone Number: 800-445-9446 Fax Number: Fax 800-523-5112

Email: passonsbid@bsnsports.com

Company Web Address: www.bsnsports.com

The Bidder agrees to accept the Town of Davie's Visa procurement card for payment. Circle one YES OR NO

ATTACHMENT "A"

NON-COLLUSIVE AFFIDAVIT

STATE OF Pennsylvania
COUNTY OF Montgomery

Ryan McGracken being first duly sworn deposes and says that:

BIDDER is the **Bid Specialist**
(Owner, Partner, Officer, Representative or Agent) **BSN Sports, Passon's Sports, & US Games**

BIDDER is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

Such Bid is genuine and is not a collusive or sham Bid;

Neither the said BIDDER nor any of its officers, partners, owners, agents, representative, employees or parties in interest, including this affidavit, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other BIDDER, firm or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted; or to refrain from bidding in connection with such Contract; or have in any manner, directly or indirectly, sought by agreement or collusion, or communications, or conference with any BIDDER, firm, or person to fix the price or prices in the attached Bid or any other BIDDER, or to fix any overhead, profit, or cost element of the Bid Price or the Bid Price of any other BIDDER, or to secure through any collusion conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed Contract;

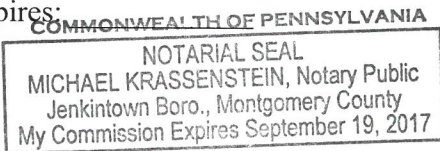
The price of items quoted in the attached Bid are fair and proper and are not tainted by collusion, conspiracy, connivance, or unlawful agreement on the part of the BIDDER or any other of its agents, representatives, owners, employees or parties in interest, including this affidavit.

By Ryan McGracken Bid Specialist

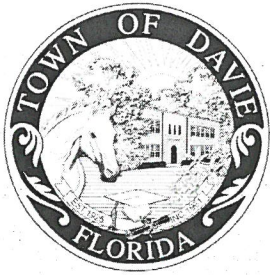
Subscribed and sworn to before me this 4 day of November, 2016.
Michael Krassenstein

Notary Public (Signature)

My Commission Expires:



ATTACHMENT "B"



**TOWN OF DAVIE
E-VERIFY FORM**

Bid No: B-16-109

Project Description: Athletic Apparel, Equipment and Awards

Vendor/Consultant acknowledges and agrees to utilize the U.S. Department of Homeland Security's E-Verify System to verify the employment eligibility of:

- (a) all persons employed by Vendor/Consultant to perform employment duties within Florida during the term of the contract; and
- (b) all persons (including SUBCONTRACTORS/SUBVENDORS) assigned by Vendor/Consultant to perform work pursuant to the contract with the Department. The Vendor/Consultant acknowledges and agrees that use of the U.S. Department of Homeland Security's E-Verify System during the term of the contract is a condition of the contract with the Town of Davie.

Company/Firm: BSN Sports, Passon's Sports, & US Games

Authorized Signature: Ryan McGracken

Print Name Ryan McGracken

Title: Bid Specialist

Date: 11/2/16

ATTACHMENT "C"

CONFIRMATION OF DRUG-FREE WORKPLACE

In order to have a drug-free workplace program, a business shall:

Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibitions.

Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining a drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.

Give each employee engaged in providing the commodities or Contractual services that are under Bid a copy of the statement specified in subsection (1).

In the statement specified in subsection (1), notify the employee that, as a condition of working on the commodities or Contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of Chapter 893 or of any controlled substance law of the United States or any State, for a violation occurring in the workplace no later than five (5) days after the conviction.

Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community by, any employee who is so convicted.

Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

A signed copy of your Drug-Free Workplace Policy must be attached to this signed copy and submitted with the Bid Documents.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

Bid Specialist

Proposers Signature

ATTACHMENT "D"

EMPLOYEE BACKGROUND VERIFICATION AFFIDAVIT

I, Ryan McGracken, Company BSN Sports, Passon's Sports, & US Games,

Attest that all personnel used in the performance of this work have had a criminal background check, and have no criminal offenses, a negative drug test result, and are legally documented to work in the United States.

The Town of Davie requests copies of the criminal back ground checks and drug test results.

Proposer's Signature Ryan McGracken Bid Specialist

ATTACHMENT "E"

Town of Davie
Vendor/Bidder Disclosure

I, Ryan McGracken, being first duly sworn state that:

The full legal name and business address of the person(s) or entity contracting with the Town of Davie ("Town") are as follows (Post Office addresses are not acceptable):

Name of Individual, Firm, or Organization: BSN Sports, Passon's Sports, & US Games

Address: P.O. Box 49
Jenkintown, PA 19046

FEIN 47-2460272

State and date of incorporation Delaware May 1982

OWNERSHIP DISCLOSURE AFFIDAVIT

1. If the contract or business transaction is with a corporation, the full legal name and business address shall be provided for each officer and director and each stockholder who directly or indirectly holds five percent (5%) or more of the corporation's stock. If the contract or business transaction is with a trust, the full name and address shall be provided for each trustee and each beneficiary. All such names and address are as follows (Post Office addresses are not acceptable):

Full Legal Name	Address	Ownership
	<i>see enclosed</i>	%
		%
		%
		%

2. The full legal names and business addresses of any other individual (other than subcontractors, suppliers, laborers, and lenders) who have, or will have, any legal, equitable, or beneficial interest in the contract or business transaction with the Town are as follows (Post Office addresses are not acceptable):

Full Legal Name

Address

N/A

Four horizontal lines for address information.

By: Ryan Malin

Date: 11/4/15

Signature of Affiant

Bid Specialist

Ryan McGracken

Print Name

SUBSCRIBED AND SWORN TO or affirmed before me this 4 day of NOVEMBER 20/6, by Ryan McGracken, he/she is personally known to me or has presented Driver's license as identification.

Michael Kressenstem

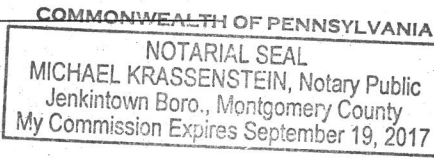
PA

Notary Public, State of Florida at Large

Print or Stamp of Notary

Serial Number

My Commission Expires :





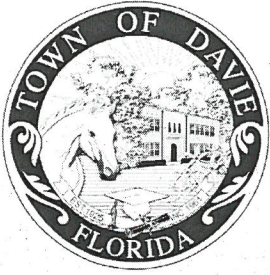
STOCKHOLDER DISCLOSURE FOR BSN SPORTS, LLC

Varsity Brands Holding Co.
100% of BSN Sports, LLC
1901 Diplomat Drive
Farmers Branch, TX 75234

Hercules VB Holdings, Inc.
100% of Varsity Brands Holding Co.
1901 Diplomat Drive
Farmers Branch, TX 75234

P.O. Box 49 - Jenkintown, PA 19046
Phone: (800) 445-9446 Fax: (800) 523-5112

Visit us online at
www.bsnsports.com & www.usgames.com



Town of Davie Local Vendor Preference

Affidavit of Eligibility

Complete all areas below. Incomplete forms may be rejected.

My business is located within the Town of Davie.

LEGAL NAME OF FIRM: BSN Sports, Passon's Sports, & US Games

Physical address: 6545 Nova Drive Davie, FL 33317

Phone number 800-445-9446 Fax number Fax 800-523-5112

Email address passonsbid@bsnsports.com

Has the business name changed since it was opened in Davie? Yes No

If Yes please provide the previous business name: _____

Taxpayer Identification Number: 47-2460272

Date your business was established in Town of Davie: 10/2011

Business license: License number: 41154 *pm* Date issued: 10/1/15 *pm*

A copy of my Business Tax Receipt is attached.

I employ 1200 (insert a number) full time employees.

If your business is a Broward County business but not located within the Town of Davie please fill out the information on the next page.



**TOWN OF DAVIE
BUSINESS TAX RECEIPT**

6591 SW 45th St
Davie, FL 33314

First-Class Mail
PRSRT
U S Postage Paid
PDS

Name and Location of Business Tax Receipt

**BSN SPORTS/SPORT SUPPLY GROUP
6545 NOVA DR 206**

Davie, FL 33317

License Type: **Retail Wholesale**
Licensed For & Quantity: **Retail/Wholesale Gross Receipt 3483**

License #:	41154	Phone #:	
Effective Date:	10/1/2016	Expiration Date:	9/30/2017
REFERENCE:		MAILING ADDRESS:	
		TO: BSN SPORTS/SPORT SUPPLY GROUP BSN SPORTS/SPORT SUPPLY GROUP 1901 DIPLOMAT DRIVE	
Restrictions:		FARMERS BRANCH TX, 75234	



Town of Davie Local Vendor Preference Broward County Vendor

Affidavit of Eligibility

Complete all areas below. Incomplete forms may be rejected.

_____ My business is located within Broward County but not in the Town of Davie.

LEGAL NAME OF FIRM: _____

Physical address:

Phone number _____ Fax number _____

Email address _____

Has the business name changed since it was opened in Broward County? Yes _____ No _____

If Yes please provide the previous business name: _____

Taxpayer Identification Number: _____

Date your business was established in Broward County: _____

Business license: License number: _____ Date issued: _____

_____ A copy of my Business Tax Receipt is attached.

I employ _____ (insert a number) full time employees.

The undersigned states that the forgoing statements are true and correct. The undersigned also acknowledges that any person, firm, corporation or entity intentionally submitting false information to the Town in an attempt to qualify for local preference shall be prohibited from bidding on Town of Davie products and services for a period of one (1) year.

Authorized Signature: _____ Date: _____

Printed Name & Title: _____

LOBBYING INTEREST

Respondents should refer to Sec. 2-57 of the attached form for complete definition of terms.

I, Ryan McGracken representing BSN Sports, Passon's Sports, & US Games
declare that I have read the attached form and that (check one):

My company is not interested in lobbying either staff or elected officials on any subject associated with this Request for Proposal (RFP)

My company is interested in lobbying either staff or elected officials on matters associated with this Request for Proposal (RFP). I understand that in order to lobby, I must fill out the attached form and submit it to the Town Clerk's Office along with a registration fee of \$50.00.

Title of RFP: Athletic Apparel, Equipment and Awards

Bidder Name: BSN Sports, Passon's Sports, & US Games

Address: P.O. Box 49
Jenkintown, PA 19046

Phone Number: 800-445-9446

Fax Number: Fax 800-523-5112

e-mail Address: passon=bid@bsnsports.com

Signature: Ryan McGracken Bid Specialist

Print Name: Ryan McGracken

ORDINANCE NO. 2012-17

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 2, ARTICLE IV OF THE TOWN OF DAVIE CODE OF ORDINANCES TO COMPLY WITH PROVISIONS OF THE BROWARD COUNTY CODE OF ETHICS FOR ELECTED OFFICIALS BY REVISING DEFINITIONS, PROVIDING FOR DISCLOSURES, PROVIDING FOR A REGISTRATION FEE, PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie determines and declares that open and responsible operation of municipal government requires that the fullest opportunity be afforded to the people to petition and freely express to their elected and appointed officials, their opinions on legislation and other actions and issues; and

WHEREAS, in order to preserve and maintain the integrity of the governmental decision making process, it is necessary that the identity and activities of certain persons who engage in efforts to influence Councilmember's either by direct communication to such officials or by solicitation of others to engage in such efforts be publicly and regularly disclosed; and

WHEREAS, the Broward County Commission enacted an ethics code for elected officials that became effective on January 2, 2012 which provides definitions for lobbyists, and lobbying activities; and

WHEREAS, the Ethics Code for Elected Officials also requires that lobbyists register with the municipality prior to engaging in lobbying activity; and

WHEREAS, the Town of Davie desires to amend Chapter 2, Article IV of the Code of Ordinances to incorporate definitions and lobbyist registration requirements as outlined in the Broward County Ethics Code for Elected Officials; and

WHEREAS, the Town of Davie seeks to recoup the costs of registering lobbyists and maintaining the disclosure requirements as set forth in the Ethics Code for Elected Officials by establishing a fee.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION L That Chapter 2 of the Code of the Town of Davie is hereby amended by adding thereto Article IV

to read as follows:

ARTICLE IV. REGISTRATION OF LOBBYISTS

Sec. 2-56 INTENT AND PURPOSE.

The Town Council of the Town of Davie detemlines and declares that, to maintain the integrity of the government decision making process, the Town of Davie Councilmember's, Staff and residents have a legitimate need to know certain information about the activities of "lobbyists", as defined in this ordinance. The Town Council also finds that "lobbying", as defined in this ordinance, is a legitimate form of free speech, which is frequently an important and necessary part of the legislative process. As such, this ordinance seeks to impose the least burden which is reasonably necessary on lobbyists, in order to satisfy this public need for information.

Sec. 2-57 DEFINITIONS.

(a) "Candidate" means an individual who is conducting a campaign for an elected office in the Town of Davie, Florida.

(b) "Campaign" means the election process for any elected Municipal Official whether opposed or not and whether a special or regular election, beginning with the date of officially filing for office with the Town Clerk and ending with the last day of voting which finally determines the outcome of the election.

(c) "Covered Individual" means (i) any member of the Town of Davie Council (ii) any member of a final decision-making body under the Town of Davie (iii) any individual directly appointed to a Town employment position by the Town Council, (iv) any individual serving on a contractual basis as the Town Attorney or Town Administrator, when such individual is acting in his or her official capacity; (v) any member of a selection, evaluation, or procurement committee that ranks or makes recommendations to the Town Council regarding a municipal procurement; (vi) any employee, any official, or any member of a committee of the Town that has authority to make a final decision regarding a public procurement; and (vii) the head of any department, division, or office of the Town who makes final recommendations to the Town Council regarding items that will be decided by the final decision-making authority. For purposes of the prohibition on lobbying under section (c)(2) below, "Covered Individual" also includes members of other local governmental entities within Broward County, including authorities, quasi-judicial boards, appointed boards, and commissions.

(d) "Economic consideration" means something of actual monetary value.

(e) *Elected Official* means any member of the Town of Davie Town Council and any Municipal Official as defined below.

(f) "Immediate family" means either a father, mother, sister, brother, child, spouse or person residing in the same residential unit.

(g) "Legislation" means any ordinance, resolution, or proposal of any kind which is the subject of present or prospective action by the Town Council.

(f) ~~Removed~~

(h) *"Lobbying" or "Lobbying Activities"* means a communication, by any means, from a lobbyist to a covered individual regarding any item that will foreseeable be decided by a final decision-making authority, which communication seeks to influence, convince, or persuade the covered individual to support or oppose the item.

~~(g) "Lobbyist" means a person who is employed or receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for the purpose of influencing governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. An employee of the principal is not a "lobbyist" unless the employee is principally employed for the purpose of influencing governmental affairs. "Principally employed for the purpose of influencing governmental affairs" means that one of the principal or most significant responsibilities of the employee to the employer is overseeing the employer's various relationships with government or representing the employer in its contacts with government. The following persons are excluded from the definition of "Lobbyist":~~

- ~~1. Persons who are solely responding to the direct inquiry of a Town Official.~~
- ~~2. Town Officials acting in the course of official Town business.~~

"Lobbyist" means a person who is retained, with or without compensation, for the purpose of lobbying, or a person who is employed by another person or entity, on a full-time or part-time basis, principally to lobby on behalf of that other person or entity. "Lobbyist" does not include a person who is:

- a. An Elected Official, employee, or appointee of Broward County or of any municipality within Broward County communicating in his or her official capacity.
- b. An individual who communicates on his or her own behalf, or on behalf of a person or entity employing the individual on a full-time or part-time basis, unless the individual is principally employed by that person or entity to lobby.
- c. Any employee, officer, or board member of a homeowners' association, condominium association, or neighborhood association when addressing, in his or her capacity as an employee, officer, or board member of such association, an issue impacting the association or its members; or
- d. Any employee, an officer, or a board member of a nonprofit public interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a constituent of that entity.

G) *"Municipal Official"* means any individual serving as a member of the governing body of a municipality within Broward County or serving as a municipal mayor within Broward County.

(k) "Ordinance" means the Town of Davie, Florida, Ordinance for the Registration of Lobbyists.

(l) "Person" means any individual, business, corporation, association, partnership, governmental agency or other association recognized as a legal entity pursuant to Florida law.

- (m) "Principal" means the person for or upon whose behalf the lobbyist is lobbying.
- (n) "Registration" means providing the information required by this ordinance, in writing, annually, and in Supplements and Amendments, as may be required. "Register" means to provide a registration in such a manner.
- (o) "Town" means the Town of Davie, Florida.

Sec. 2-58 REGISTRATION.

(a) Prior to engaging in lobbying activities, every lobbyist shall register with the Town by filing with the Town Clerk the following information in writing:

(1) The name, address and telephone number of the lobbyist is required on every, amended, and supplemental registration. The "address" must be a physical address (e.g. not a Post Office Box) where the lobbyist either resides or customarily does business.

(2) The nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediately family, has had with any Municipal Official, or member of the immediate family of any Municipal Official within the period of time commencing twenty-four (24) months prior to registration and extending through the date of registration. No disclosure would be required of any such relationship existing prior to the effective date of this ordinance.

(3) The nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with the current or the most recent campaign of any current elected Municipal Official, or current candidate for Town Council.

(4) Name, address and phone number of the lobbyist's principal(s), if known at the time of registration. The "address" must be a physical address (e.g. not a Post Office Box) where the principal either resides or customarily does business.

(5) The general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration.

(b) There shall be a fee in the amount of \$50 (Fifty Dollars) charged by the Town, for each principal represented and by each any lobbyist. Such fee shall cover the cost of registering and maintaining a database of lobbyists as required by the Broward County Code of Ethics for Elected Officials. Said fee may be amended as needed by resolution.

(c) The registration information, and any supplement or amendment shall be filed in the Town Clerk's office. The registration must be signed by the lobbyist and attested to under penalty of perjury. The Town Clerk may approve a form of registration consistent with this ordinance, which shall be used in all cases, except where unavailable.

(d) Registration will be yearly, running from October 1st to September 30th of each year, and shall be renewed for each year during which lobbying activities are to take place. Only one annual registration form is required, per principal, per lobbyist. However, if any of the information required in the registration form is new or changed (for example, a new principal, as defined by this ordinance, or a

new specific subject of lobbying), then the Lobbyist must supplement or amend the registration before additional lobbying.

(e) Notwithstanding any provision to the contrary in this Ordinance, no lobbyist shall be required to register only because the lobbyist has spoken at any public hearing or public meeting of the Town of Davie.

Sec. 2-59. CONDUCT OF PRINCIPALS AND OF TOWN COUNCIL.

(a) Any principal who retains a lobbyist(s) in the Town shall take reasonable measures to supervise and monitor its lobbyist(s) to insure compliance with this Ordinance.

(b) Any Councilmember who has actual knowledge and recollection of a lobbyist who fails to register as required in this Ordinance, or of a lobbyist who makes a material misrepresentation in Registration shall disclose same in writing to the Town Clerk as soon as reasonably practical. Failure to make such disclosure shall subject the Councilmember to a penalty as provided for in Section 2-61(a). Nothing in this section shall require any inquiry by any Councilmember to ascertain the compliance by any person with this Ordinance, nor does this section imply that any Councilmember is required to remember all of his or her past dealings with lobbyists.

Sec. 2-60. GENERAL CONSTRUCTION.

(a) Examples and section headings are provided for clarity and for purposes of illustration only. Examples are not intended to imply that the illustration is the sole or exclusive possibility.

(b) All language and terms in this ordinance shall be construed according to the definitions contained in the ordinance. If there is no explicit definition in this ordinance, then the language or term shall be construed according to the ordinary legal meaning in Florida; or if there is no ordinary legal meaning in Florida, then according to the ordinary and reasonable meaning to residents of the Town.

(c) Lobbyist registrations must be true and accurate for matters of which the lobbyist has actual knowledge, or which the lobbyist may ascertain through reasonably diligent inquiry.

Sec. 2-61. PENALTIES.

A "Penalty" in this ordinance means the penalties specified in the Town of Davie Code of Ordinances, Section 1-9 ("General penalty; continuing violations"); or in the event said Section 1-9 is repealed or superseded, the general penalty specified by Town of Davie Code of Ordinances for violations of the Town of Davie Code of Ordinances. However, notwithstanding any language to the contrary in the general Code provisions for penalties, the maximum penalty for violation of this Lobbyist ordinance shall not exceed five hundred dollars (\$500.00). This ordinance shall be enforced by issuance of a notice to appear in County Court as authorized by Section 162.22, Florida Statutes, as it may be amended from time to time.

Any lobbyist who fails to register or willfully violates this ordinance shall be subject to a penalty, as provided in subsection (a) above; and additionally shall be subject to imposition by the Town Council of a prohibition of further lobbying in the Town for up to one year.

Any Councilmember or Principal who knowingly and willfully directs or permits a lobbyist to violate this ordinance shall be subject to a penalty as provided in subsection 2-61(a).

SECTION 2. All Ordinances or parts of Ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. This Ordinance shall take effect sixty (60) days after its passage and adoption.

PASSED ON FIRST READING THIS 1ST DAY OF AUGUST, 2012.

PASSED ON SECOND READING THIS 15TH DAY AUGUST 2012.

Judy Paul
MAYOR/COUNCILMEMBER

ATTEST:
[Signature]
Asst. TOWN CLERK
APPROVED THIS *11* DAY

TOWN OF DAVIE LOBBYIST'S REGISTRATION STATEMENT AND OATH

Registration will be annual, from October 1st to September 30th, and shall be renewed for each year during which lobbying activities are to take place. Only one annual registration form is required. If, however, any of the information required on the registration form is new or changed (for example, a new principal, as defined by Section 2-57 of Ordinance 2012-17, or a new specific subject of lobbying), the Lobbyist must then supplement or amend the registration before additional lobbying. (Ordinance 2012-17, Section 2-58(d))

LOBBYIST INFORMATION (Ordinance 2012-17, Section 2-58(a)(1))

Name N/A

Address _____

{must be a physical address (e.g. not a Post Office Box) where the lobbyist resides or customarily does business}

City _____ State _____ Zip _____ Telephone _____

Explain the nature and extent of any business, professional or familial relationship which the lobbyist, or any member of the lobbyist's immediate family, has had with any Town official, or member of the immediate family of any Town official within the period of time commencing twenty-four (24) months prior to registration.

Explain the nature and extent of any involvement, activity or assistance, whether paid or voluntary, by any lobbyist, or any member of the lobbyist's immediate family, with the current or the most recent campaign of any current elected Town official, or current candidate for Town Council. (2012-017, Section 2-58(a)(3))

LOBBYIST'S PRINCIPAL(S) INFORMATION (Ordinance 2012-17, Section 2-58(a)(4))

Name _____

Address _____
(must be a physical address (e.g. not a Post Office Box) where the principal resides or customarily does business)

City _____ State _____ Zip _____

Telephone _____ N/A

Explain the general and specific matters upon which the lobbyist intends to lobby, if known at the time of registration. *H not* known at time of filing, the registration must be supplemented when the matter is determined. (Ordinance 2012-017, Section 2-58(a)(5))

I hereby acknowledge that I have received a copy of Ordinance 2012-17, concerning registration of lobbyists and acknowledge that any violation of this Ordinance shall result in penalties as stated in said Ordinance. I further acknowledge that this form must be accompanied by payment in the amount of \$50 for each principal represented and by each lobbyist. (Ordinance 2012-17, Section 2-58(b))

I hereby attest and affirm under penalty of perjury, that the facts contained herein are true and correct. Further, I understand that I am required to notify the Town Clerk, in writing, of any changes to the information contained herein and that I am required to complete a lobbyist statement for each new principal or subject matter which occurs throughout the year.

Signature of Lobbyist

STATE OF FLORIDA) _____
) SS:
COUNTY OF)

Sworn to and subscribed before me this _____ day of _____ 20__ by _____ who is personally known to me or who has produced _____ as identification.

My Commission expires _____

Name _____ Signature _____

5.2 ACKNOWLEDGEMENT OF ADDENDA

INSTRUCTIONS: COMPLETE PART I OR PART II, WHICHEVER APPLIES

PART I:

LIST BELOW THE DATES OF ISSUE FOR EACH ADDENDUM RECEIVED IN CONNECTION WITH THIS RFP.

- Addendum #1, Dated _____
- Addendum #2, Dated _____
- Addendum #3, Dated _____
- Addendum #4, Dated _____
- Addendum #5, Dated _____
- Addendum #6, Dated _____
- Addendum #7, Dated _____
- Addendum #8, Dated _____

PART II:

NO ADDENDUM WAS RECEIVED IN CONNECTION WITH THIS RFP.

FIRM NAME: BSN Sports, Passon's Sports, & US Games

AUTHORIZED SIGNATURE: Ryan Malunfern DATE: 11/2/16

TITLE OF OFFICER: Bid Specialist

5.3A PROPOSAL SIGNATURE PAGE FOR CORPORATION

The officers of the Corporation are as follows:

NAME

ADDRESS

President _____

Vice-President _____

Secretary see enclosed 1

Treasurer _____

Registered Agent _____

The full names and residences of stockbrokers, persons, or firms interested in the foregoing Proposal, as principals, are as follows:

see enclosed 2

Post Office Address

PROPOSER:

(CORPORATE NAME)

PRESIDENT'S SIGNATURE AND E-MAIL ADDRESS

Is this corporation incorporated in the State of Florida?

see enclosed 3

ATTEST: _____
SECRETARY

YES [] NO []

If no, give address of principal place of business: _____

BSN SPORTS, LLC
(a Delaware limited liability company)

UNANIMOUS WRITTEN CONSENT OF THE BOARD OF MANAGERS

AUGUST 15, 2016

The undersigned, being the members of the Board of Managers of BSN Sports, LLC, a Delaware limited liability company ("Company"), pursuant to and in accordance with Section 4(c) of that certain Limited Liability Company Agreement of the Company dated as of November 26, 2014 ("LLC Agreement"), hereby consent to the following actions:

Appointment of Officers

RESOLVED: That the following named individuals be, and they hereby are, elected officers of the Company and replace any previously elected officers of this Company, each to hold the office set forth opposite his/her name until a successor is duly chosen and qualified or until such officer sooner dies, resigns, is removed, or becomes disqualified:

Name	Title	Effective Date
Adam Blumenfeld	Chief Executive Officer	November 26, 2014
Burton Brillhart	Chief Legal Officer General Counsel Chief of Staff Secretary	May 13, 2015
Terrence M. Babilla	President Chief Operating Officer	November 26, 2014
Kent Laber	Assistant Secretary Chief Financial Officer Treasurer	May 31, 2016
Tiffany Tsumpis	Vice President Associate General Counsel Assistant Secretary	March 14, 2016
Kurt Hagen	Executive Vice President – Sales and Marketing	November 26, 2014
Tevis Martin	Executive Vice President	November 26, 2014
Scott Molander	Executive Vice President	November 26, 2014
Bob Dickman	Senior Vice President	November 26, 2014
John Bals	Senior Vice President – Sales	November 26, 2014
Dan Salkeld	Senior Vice President – Sales and Marketing	November 26, 2014
Phil Dickman	Vice President – Sales	November 26, 2014
Steve Eybers	Vice President – Sales	November 26, 2014
Michael Caravati	Vice President – Sales	November 26, 2014
Jeremy Sinz	Vice President – Sales	November 26, 2014
Paul Brunelle	Vice President – Sales	November 26, 2014

applications and the payment of any and all filing fees and expenses), or to cause the Company or any other person to take such action as may, in the judgment of the officer so acting, be necessary or desirable in connection with, or in furtherance of, any of the foregoing resolutions, and the execution and delivery of any such document, agreement, or instrument or the taking of any such action shall be conclusive evidence of such officer's authority hereunder to so act.

RESOLVED: To ratify, confirm, and approve all actions taken by the officers of the Company in connection with any and all of the activities or transactions referred to in or contemplated by any of the foregoing resolutions.

RESOLVED: To direct that this Written Consent of the Board be filed with the records of meetings of the Board.

EFFECTIVE as of the date first set forth above.

[Remainder of this page is intentionally left blank.]



STOCKHOLDER DISCLOSURE FOR BSN SPORTS, LLC

Varsity Brands Holding Co.

100% of BSN Sports, LLC
1901 Diplomat Drive
Farmers Branch, TX 75234

Hercules VB Holdings, Inc.

100% of Varsity Brands Holding Co.
1901 Diplomat Drive
Farmers Branch, TX 75234

P.O. Box 49 - Jenkintown, PA 19046
Phone: (800) 445-9446 Fax: (800) 523-5112

Visit us online at
www.bsnsports.com & www.usgames.com

BIDDER'S STATEMENT OF PRINCIPAL PLACE OF BUSINESS
(To be completed by each Bidder)

Name of bidder: Varsity Brands Holding Co., Inc. d/b/a BSN SPORTS, LLC

Identify the state in which the bidder has its principal place of business: Texas

Identify the political subdivision (outside of Florida) in which bidder has its principal place of business:
Farmers Branch

Proceed as follow: **IF** your principal place of business above is located within the State of Florida, the Proposer may sign below and attach to your solicitation. No further action is required. **IF** your principal place of business is outside of the State of Florida the following must be completed by an attorney and returned with your solicitation. Failure to comply shall be considered to be non-responsive to this solicitation.

OPINION OF OUT-OF-STATE BIDDER'S ATTORNEY ON BIDDING PREFERENCES
(To be completed by the Attorney for an Out-of-State Bidder)

NOTICE: Section 287.084(2), Fla. Stat., provides that "a vendor whose principal place of business is outside this state must accompany any written bid, proposal, or reply documents with a written opinion of an attorney at law licensed to practice law in that foreign state, as to the preferences, if any or none, granted by the law of that state [or political subdivision thereof] to its own business entities whose principal places of business are in that foreign state in the letting of any or all public contracts." See also: Section 287.084(1), Fla. Stat.

LEGAL OPINION ABOUT STATE BIDDING PREFERENCES
(Please Select One)

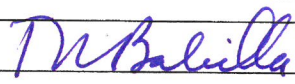
The bidder's principal place of business is in the State of Texas and it is my legal opinion that the laws of that state **do not grant a preference** in the letting of any or all public contracts to business entities whose principal places of business are in that state.

The bidder's principal place of business is in the State of _____ and it is my legal opinion that the laws of that state **grant the following preference(s)** in the letting of any or all public contracts to business entities whose principal places of business are in that state: [Please describe applicable preference(s) and identify applicable state law(s)]:

LEGAL OPINION ABOUT POLITICAL SUBDIVISION BIDDING PREFERENCES
(Please Select One)

The bidder's principal place of business is in the political subdivision of Farmers Branch and it is my legal opinion that the laws of that political subdivision **do not grant a preference** in the letting of any or all public contracts to business entities whose principal places of business are in that political subdivision.

The bidder's principal place of business is in the political subdivision of _____ and the laws of that political subdivision **grant the following preference(s)** in the letting of any or all public contracts to business entities whose principal places of business are in that political subdivision: [Please describe applicable preference(s) and identify applicable authority granting the preference(s)]:

Signature of out-of-state bidder's attorney: 

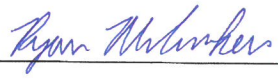
Printed name of out-of-state bidder's attorney: Terrence M. Babilla

Address of out-of-state bidder's attorney: 1901 Diplomat Drive, Farmers Branch, TX 75234

Telephone Number of out-of-state bidder's attorney: (972) 406 - 3477

Email address of out-of-state bidder's attorney: tbabilla@bsnsports.com

Attorney's states of bar admission: Texas

Proposer's Printed Name: Ryan McGracken Signature: 

5.3B PROPOSAL SIGNATURE PAGE FOR SOLE PROPRIETOR OR PARTNERSHIP

The full names and residences of persons, partners or firms interested in the foregoing Proposal, as principals, are as follows:

PROPOSER

N/A

(FIRM NAME)

Witnesses:

(SEAL)

SIGNATURE AND E-MAIL ADDRESS

PRINT NAME

Title (Sole Proprietor or Partner)

Post Office Address:

TELEPHONE

CITY in which fictitious name is registered.


Attach a copy of proof of registration

5.4 DRUG-FREE WORKPLACE PROGRAM

IDENTICAL TIE BIDS - Preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service are received by the State or by any political subdivision for the procurement of commodities or contractual services, a bid received from a business that certifies that it has implemented a drug-free workplace program shall be given preference in the award process. Established procedures for processing tie bids will be followed if none of the tied vendors have a drug-free workplace program. In order to have a drug-free workplace program, a business shall:

1. Publish a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violations of such prohibition.
2. Inform employees about the dangers of drug abuse in the workplace, the business's policy of maintaining drug-free workplace, any available drug counseling, rehabilitation, and employee assistance programs, and the penalties that may be imposed upon employees for drug abuse violations.
3. Give each employee engaged in providing the commodities or contractual services that are under bid a copy of the statement specified in subsection (1).
4. In the statement specified in subsection (1), notify the employee that, as a condition of working on the commodities or contractual services that are under bid, the employee will abide by the terms of the statement and will notify the employer of any conviction of, or plea of guilty or nolo contendere to, any violation of chapter 893 or of any controlled substance law of the United States or any state, for a violation occurring in the workplace no later than five (5) days after such conviction.
5. Impose a sanction on, or require the satisfactory participation in a drug abuse assistance or rehabilitation program if such is available in the employee's community, by any employee who is so convicted.
6. Make a good faith effort to continue to maintain a drug-free workplace through implementation of this section.

As the person authorized to sign the statement, I certify that this firm complies fully with the above requirements.

 Bid Specialist

 VENDOR'S SIGNATURE
 BSN Sports, Passon's
 Sports, & US Games

 NAME OF COMPANY



 PRINTED NAME

5.5 SOLICITATION, GIVING, AND ACCEPTANCE OF GIFTS POLICY

Florida Statute 112.313 prohibits the solicitation or acceptance of Gifts. - "No Public officer, employee of an agency, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, or candidate would be influenced thereby."... The term 'public officer' includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body."

The Town of Davie policy prohibits all public officers, elected or appointed, all employees, and their families from accepting any gifts of any value, either directly or indirectly, from any contractor, vendor, consultant, or business with whom the Town does business. Only advertising office stationery or supplies of small value are exempt from this policy - e.g. calendars, note pads, pencils.



The State of Florida definition of "gifts" includes the following:

- Real property or its use,
- Tangible or intangible personal property, or its use,
- A preferential rate of terms on a debt, loan, goods, or services,
- Forgiveness of indebtedness,
- Transportation, lodging, or parking,
- Membership dues,
- Entrance fees, admission fees, or tickets to events, performances, or facilities,
- Plants, flowers or floral arrangements

Services provided by persons pursuant to a professional license or certificate. Other personal services for which a fee is normally charged by the person providing the services. Any other similar service or thing having an attributable value not already provided for in this section. To this list, the Town of Davie has added food, meals, beverages, and candy.

Any contractor, vendor, consultant, or business found to have given a gift to a public officer or employee, or his/her family, will be subject to dismissal or revocation of contract.

As the person authorized to sign the statement, I certify that this firm will comply fully with this policy.

	Bid Specialist	
_____ SIGNATURE		_____ PRINTED NAME
BSN Sports, Passon's Sports, & US Games		Bid Specialist
_____ NAME OF COMPANY		_____ TITLE

Failure to sign this page shall render your bid non-responsive.

5.6 SOURCE OF INFORMATION

How did you find out about this solicitation? Check all that applies.

- 1. www.davie-fl.gov
- 2. www.demandstar.com
- 3. The Sun Sentinel
- 5. Referral/word-of-mouth Specify Source: _____
- 6. Search Engine/Internet search
- 7. E-mail, newsgroup, online chat Specify Source: _____
- 8. Banner or Link on another website
- 9. Flyer, newsletter, direct mail Specify Source: _____
- Other Specify Source: _____

Please note: This survey form is used for internal Procurement purposes only.

5.7 INDEMNIFICATION CLAUSE

The Contractor shall indemnify, defend and hold harmless the Town Council, the Town of Davie and their agents and employees from and against all claims, damages, losses and expenses (including attorney's fees) arising out of or resulting from the contractor's performance of the work, provided that any such claim, damage, loss or expense (1) is attributable to bodily injury, sickness, disease or death, or to injury to or damage on destruction of property including the loss of use resulting there from, and (2) is caused in whole or in part by any breach or default by Contractor or negligent act or omission of the Contractor, any Subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, regardless or whether or not it is caused in part by a party indemnified hereunder.

Ryan McGracken Ryan McGracken Bid Specialist 11/4/16
Proposer's Name Signature Date

Pennsylvania

STATE OF FLORIDA
COUNTY OF BROWARD

Montgomery
SWORN TO AND SUBSCRIBED before me, the under signed authority,

Ryan McGracken who, after first being sworn by me, affixed his/her

[name of individual signing]
signature in the space provided above on this 4 day of November, 2016

Michael Krassenstein
NOTARY PUBLIC

COMMONWEALTH OF PENNSYLVANIA
NOTARIAL SEAL
MICHAEL KRASSENSTEIN, Notary Public
Jenkintown Boro., Montgomery County
My Commission Expires September 19, 2017

5.8 SWORN STATEMENT PURSUANT TO SECTION 287.133 (3) (a), FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICAL AUTHORIZED TO ADMINISTER OATHS.

1. This sworn statement is submitted to the TOWN OF DAVIE, FLORIDA

By: Ryan McGracken Bid Specialist

(print individual's name and title) BSN Sports, Passon's Sports, & US Games

For: (print name of entity submitting sworn statement) P.O. Box 49

whose business address is: Jenkintown, PA 19046

and (if applicable) its Federal Employer Identification Number (FEIN) is: 47-2460272 (If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: - - - - -).

2. I understand that a "public entity crime" as defined in Paragraph 287.133 (1)(g), Florida Statutes, means a violation of any state or federal law by a person with respect to and directly related to the transaction of business with any public entity or with an agency or political subdivision of any other state or of the United States, including but not limited to, any bid or contract for goods or services to be provided to any public entity or an agency or political subdivision of any other state or of the United States and involving antitrust, fraud, theft, bribery, collusion, racketeering, conspiracy, or material misrepresentations.

3. I understand that "convicted" or "conviction" as defined in Paragraph 287.133 (1) (b), Florida Statutes, means a finding of guilt or a conviction of a public entity crime, with or without an adjudication of guilt, in any federal or state trial court of record relating to charges brought by indictment or information after July 1, 1989, as a result of a jury verdict, non-jury trial, or entry of a plea of guilty or non contendere.

4. I understand that an "affiliate" as defined in Paragraph 287.133(1)(a), Florida Statutes, means: 1. A predecessor or successor of a person convicted of a public entity crime; or 2. An entity under the control of any natural person who is active in the management of the entity and who has been convicted of a public entity crime. The term "affiliate" includes those officers' directors, executives, partners, shareholders, employees, members, and agents who are active in the management of an affiliate. The ownership by one person of shares constituting a controlling interest in another person, or a pooling of equipment or income among persons when not for fair market value under an arm's length agreement, shall be a prima facie case that one person controls another person. A person who knowingly enters into a joint venture with a person who has been convicted of a public entity crime in Florida during the preceding 36 months shall be considered an affiliate.

5. I understand that a "person" as defined in Paragraph 287.133(1) (e), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with legal power to enter into a binding contract and which bids or applies to bid on contracts for the provision of goods or services let by a public entity, or which otherwise transacts or applies to transact business with a public entity. The term "person" includes those officers, directors, executives, and partners. Shareholders, employees, members, and agents who are active in management of an entity.

6. Based on information and belief, the statement, which I have marked below, is true in relations to the entity submitting this sworn statement. (Indicate which statement applies).

Neither the entity submitting this sworn statement, nor any of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, nor any affiliate

of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.

- The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989.
- The entity submitting this sworn statement, or one or more of its officers, directors, executives, partners, shareholders, employees, members, or agents who are active in the management of the entity, or an affiliate of the entity has been charged with and convicted of a public entity crime subsequent to July 1, 1989. However, there has been a subsequent proceeding before a Hearing Officer of the State of Florida, Division of Administrative Hearings and the final Order entered by the Hearing Officer determined that it was not in the public interest to place the entity submitting this sworn statement on the convicted vendor list (attach a copy of the final order).

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR THE PUBLIC ENTITY IDENTIFIED IN PARAGRAPH 1 ABOVE IS FOR THAT PUBLIC ENTITY ONLY AND THAT THIS FORM IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT I AM REQUIRED TO INFORM THE PUBLIC ENTITY PRIOR TO ENTERING INTO A CONTRACT IN EXCESS OF THE THRESHOLD AMOUNT PROVIDED IN SECTION 287.017, FLORIDA STATUTES FOR CATEGORY TWO OF ANY CHANGE IN THE INFORMATION CONTAINED IN THIS FORM.

Ryan Meluhar

Bid Specialist

Signature

Sworn to and subscribed before me this 4 day NOVEMBER, 2016

Personally known _____

OR _____

Produced identification _____

Michael Krassenstein
Name of Notary
Notary Public – State of PA

COMMONWEALTH OF PENNSYLVANIA

NOTARIAL SEAL
MICHAEL KRASSENSTEIN, Notary Public
Jenkintown Boro., Montgomery County
My Commission Expires September 19, 2017

5.9 ANTI-KICKBACK AFFIDAVIT

STATE OF Pennsylvania }
COUNTY OF Montgomery } SS:

I, the undersigned, hereby duly sworn, depose and say that no portion of the sum herein bid will be paid to any employees of the Town of Davie, its elected officials, and BSN Sports, Passon's Sports, & US Games or its design consultants, as a commission, kickback, reward or gift, directly or indirectly by me or any member of my firm or by an officer of the corporation.

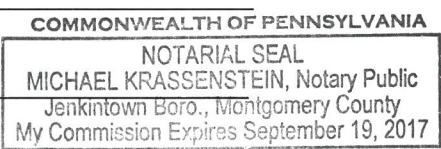
By: *Ryan M. [Signature]*
Title: Bid Specialist

Sworn and subscribed before this

4 day of November, 2016
Michael Krassenstein
Notary Public, State of Florida PA

(Printed Name)

My commission expires: _____



5.10 NON-COLLUSIVE AFFIDAVIT

STATE OF ~~FLORIDA~~ ^{Pennsylvania} }
COUNTY OF ^{Montgomery} }

SS:
}

Ryan McGracken being first duly sworn, deposes and says that:

- a) He/she is the Bid Specialist, (Owner, Partner, Officer, Representative or Agent) of BSN Sports, Passon's Sports, & US Games the Proposer that has submitted the attached Proposal;
- b) He/she is fully informed respecting the preparation and contents of the attached Proposal and of all pertinent circumstances respecting such Proposal;
- c) Such Proposal is genuine and is not collusive or a sham Proposal;
- d) Neither the said Proposer nor any of its officers, partners, owners, agents, representatives, employees or parties in interest, including this affiant, have in any way colluded, conspired, connived or agreed, directly or indirectly, with any other Proposer, firm, or person to submit a collusive or sham Proposal in connection with the Work for which the attached Proposal has been submitted; or to refrain from proposing in connection with such work; or have in any manner, directly or indirectly, sought by person to fix the price or prices in the attached Proposal or of any other Proposer, or to fix any overhead, profit, or cost elements of the Proposal price or the Proposal price of any other Proposer, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against (Recipient), or any person interested in the proposed work;
- e) The price or prices quoted in the attached Proposal are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Proposer or any other of its agents, representatives, owners, employees or parties in interest, including this affiant.

Signed, sealed and delivered in the presence of:

Adam Rhein Bid Mgr
Witness

Adam Rhein
Witness

By: Ryan McGracken

Ryan McGracken
(Printed Name)

Bid Specialist
(Title)

ACKNOWLEDGMENT

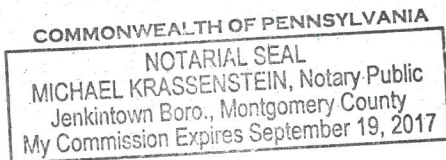
Pennsylvania
STATE OF FLORIDA }
COUNTY OF *Montgomery* } SS:
}

BEFORE ME, the undersigned authority personally appeared *Ryan McGracken* to me well known and known by me to be the person described herein and who executed the foregoing Affidavit and acknowledged to and before me that *Ryan McGracken* executed said Affidavit for the purpose therein expressed.

WITNESS, my hand and official seal this *4* day of *NOVEMBER*, 20*16*.

My Commission Expires:

Michael Krassenstein
Notary Public State of ~~Florida~~ at Large
PA



ATTACHMENT "G"
SIGNATURE PAGE


The undersigned attests to their authority to submit this proposal and to bind the firm(s) herein named to perform as per agreement. Further, by signature, the undersigned attests to the following:

- 1. The Proposer is sufficiently experienced and competent to perform all of the work required of the Proposer in the Contract;
- 2. The facts stated in the Proposers response pursuant to Request for Proposals, instructions to Proposer and Specifications are true and correct in all respects;
- 3. The Proposer has read and complied with, and submits their proposal agreeing to all of the requirements, terms and conditions as set forth in the Request for Proposals.

- 7. Proposer understands that all information listed above may be checked by the TOWN and Proposer authorizes all entities or persons listed above to answer any and all questions. Proposer hereby indemnifies the TOWN and the persons and entitles listed above and holds them harmless from any claim arising from such authorization or the exercise thereof, including the dissemination of information pursuant thereto.

Submitted by the Proposer on this 10 day of November, 2016.

Company BSN Sports, Passon's Sports, & US Games

Signature  Bid Specialist

END