

November 3, 2010

City Clerk
City of Key West
525 Angela Street
Key West, FL 33040

RE: Building for Lease at Simonton Street Beach

Dear City of Key West,

Please accept this as my proposal to enter into a lease for the building located at Simonton Street Beach. I would like to propose the following terms:

1. The proposed use is the operation of a concession stand, water sports activities, equipment rentals, booking and ticket sales, chair and umbrella rentals on the beach.
2. The proposed rent is 6% of gross sales. In addition I will clean and maintain the beach and landscaping. I would also be willing to collect ramp fees for the City if fees are established for this location.
3. I will take the building as it is and make the necessary improvements, at my expense, for the operation of the business.

I have been a business owner in Key West for over fifteen years and have been a tenant of the City in good standing throughout the lease term for the boat yard I operate here on Palm Avenue. I am looking forward to this opportunity to diversify and provide more boat rental activities in addition to creating a clean and welcoming beach area with amenities that everyone will enjoy.

I hope that you will support this proposal and I understand that specific lease terms will be negotiated if the proposal is acceptable to the City Commissioners. I would be happy to discuss this with you and can be reached at 305-797-4202

Sincerely,



Rick Spencer
1019 South Street
Key West, FL 33040

SWORN STATEMENT UNDER SECTION 287.133(3)(a)
FLORIDA STATUTES, ON PUBLIC ENTITY CRIMES

RFP Public Notice for the Building @ Simonton St.

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

1. This sworn statement is submitted with Proposal, Proposal or Contract No.

N/A for

2. This sworn statement is submitted by Richard E. Spencer

(Name of entity submitting sworn statement)

whose business address is 701 Palm Av. Key West Fl. 33040
and (if applicable) its Federal

Employer Identification Number (FEIN) is S/S # 261-63-9401 (If the entity has no FEIN,
include the Social Security Number of the individual signing this sworn statement.)

3.

My name is Richard E. Spencer and my relationship to
(Please print name of individual signing)

the entity named above is Same

4. 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 with the United States, including but not limited to, any Proposal 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, material misrepresentation.

5. 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 information after July 1, 1989, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

6. 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 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.

7. I understand that a "person" as defined in Paragraph 287.133(1)(8), Florida Statutes, means any natural person or entity organized under the laws of any state or of the United States with the legal power to enter into a binding contract and which Proposals or applies to Proposal 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, partners, shareholders, employees, members, and agents who are active in management of an entity.
8. Based on information and belief, the statement, which I have marked below, is true in relation to the entity submitting this sworn statement. (Please indicate which statement applies.)

Neither the entity submitting this sworn statement, nor any officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, nor any affiliate of the entity have 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 the officers, directors, executives, partners, shareholders, employees, members, or agents who are active in management of the entity, or an affiliate of the entity has been charged with nor convicted of a public entity crime subsequent to July 1, 1989, AND (Please indicate which additional statement applies.)

There has been a proceeding concerning the conviction before a hearing of the State of Florida, Division of Administrative Hearings. The final order entered by the hearing officer did not place the person or affiliate on the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate was placed on the convicted vendor list. There has been a subsequent proceeding before a hearing officer of the Sate of Florida, Division of Administrative Hearings. The final order entered by the hearing officer determined that it was in the public interest to remove the person or affiliate from the convicted vendor list. (Please attach a copy of the final order.)

The person or affiliate has not been put on the convicted vendor list. (Please describe any action taken by or pending with the Department of General Services.)

[Signature]
(Signature)

12/1/10
(Date)

STATE OF Florida

COUNTY OF Monroe

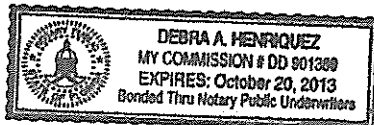
PERSONALLY APPEARED BEFORE ME, the undersigned authority,

Richard E. Spencer who, after first being sworn by me, affixed his/her signature in the
(Name of individual signing)

space provided above on this 1st day of December, 2010.

My commission expires:

[Signature]
NOTARY PUBLIC



ANTI-KICKBACK AFFIDAVIT

RFP- _____

STATE OF FLORIDA)
 : SS
COUNTY OF MONROE)

I, the undersigned hereby duly sworn, depose and say that no portion of the sum herein Proposal will be paid to any employees of the City of Key West 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.

Richard E Spencer

By:

Sworn and subscribed before me this

15th day of December, 2010.

Debra A. Henriquez
NOTARY PUBLIC, State of Florida at Large

My Commission Expires: _____

