



February 25, 2014

To Prospective Bidders:

Enclosed is the State's response to questions concerning the Request for Proposals (RFP) for a Historic-Style Specialty Retail Concession at 2613 San Diego Avenue within Old Town San Diego State Historic Park. This response package includes the following:

- 1) The State's Response to Questions submitted by each of three interested parties.
- 2) Errata #1 with modifications to the RFP. Changes include corrections to the RFP Notice, Page 9 and Page 23. The specific change within each page is highlighted. Please replace these corrected pages accordingly.

This response ends the formal question and answer period. You may access all materials referenced in this letter on the Concessions website at www.parks.ca.gov/concessions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Doug Neilson".

Doug Neilson, Deputy Director
Marketing and Business Development Office

Attachments

ERRATA #1 - OLD TOWN SAN DIEGO SHP HISTORIC-STYLE SPECIALTY RETAIL

NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that the California Department of Parks and Recreation is accepting proposals for two separate contracts to develop, operate, and maintain historic-style specialty retail concessions described below:

Building	Minimum Rental Bid	Historic Period	Approximate Building Size	Facility Improvement Requirement Component
2613 San Diego Avenue	\$12,000 annually OR 10% of annual gross receipts up to \$200,000 and 12% over \$200,000, whichever is greater.	American Period 1856-1872	540 sq. feet Rectangular shaped building space	Yes

A summary of the proposal submission terms is presented below:

General Proposal Terms	
Proposal Closing Time & Date:	2:00 p.m. March 18, 2014
Proposal Submission Location:	Concessions, Reservations, & Fees Division 4416 Ninth St., #1051, Sacramento, CA 95814 Concession Program Office 1416 Ninth St., #1442-7, Sacramento, CA 95814
Contract Term:	Five (5) years with a Five (5) year option to renew at the State's discretion or Ten (10) years; based on the proposer's preference
Proposal Bond (due at time of proposal submission):	Two Thousand Dollars (\$2,000)
Proposer's Minimum Years of Relevant Experience:	Two (2) years

For questions, please contact Donna Renner at San Diego Coast District, (619) 688-3343 or Teresa Montijo, Concession Program Manager at (916) 653-7733. Interested parties may download a copy of the RFP at www.parks.ca.gov/concessions.

Original Signed by Aaron Robertson for
Major General Anthony L. Jackson, USMC (Ret), Director

ERRATA #1 - OLD TOWN SAN DIEGO SHP HISTORIC-STYLE SPECIALTY RETAIL

The cashier's check will be retained by the State. Further, by submitting a proposal, proposer agrees that the State will suffer costs and damages not contemplated otherwise should proposer be awarded the contract but fail to execute and proceed with the contract, the exact amount of which will be difficult to ascertain. Accordingly, it is agreed that such retained sums shall not be deemed a penalty, but, in lieu of actual damages, shall represent a fair and reasonable estimate of damages to the State for failure of the proposer to execute and proceed with the contract upon notification of award by the State. Bonds will be returned to all proposers once a contract is signed by the best responsible bidder.

Proposal Submission

The proposal, including the Proposal Bond, must be received by **2:00 p.m.** on **March 18, 2014** at:

California State Parks
Concessions, Reservations, and Fees Division
1416 Ninth Street, Room 1442-13-1442-7
Sacramento, CA 95814

Proposal Format & Content

The proposal package must be sealed and clearly marked on the outside with "Proposal for Historic-Style Specialty Concession at Old Town San Diego State Historic Park – 2613 San Diego Avenue" or "Proposal for Historic-Style Specialty Concession at Old Town San Diego State Historic Park – 2615 San Diego Avenue". Please submit an original plus **four (4)** copies of the proposal in 8.5" x 11" three-ring binders. All material should be presented in an 8.5" x 11" portrait format with tabs for each section. Larger formatted graphic exhibits are acceptable if folded to fit within the 8.5" x 11" three-ring binder.

Confidentiality of Proposals

All proposals submitted in response to an RFP become the property of the State and are subject to the requirements of the California Public Records Act (California Government Code Section 6250 et seq.). The proposer must identify in writing all copyrighted material, trade secrets, or other proprietary information the proposer claims are exempt from disclosure under the Public Records Act. Proposers claiming exemption must include the following statement in their proposal:

The proposer agrees to indemnify and hold harmless the State, its officers, employees, and agents from any claims, liability, or damages against the State, and to defend any action brought against the State for Proposer's refusal to disclose such material, trade secrets, or other proprietary information to any party.

Failure of a proposer to include this statement and/or identify in writing the claimed exempt material shall be deemed a waiver of any exemption from disclosure under the Public Records Act. Proposer requests to review proposal submissions will not be allowed until after an "Intent to Award Contract" notice is published by the State.

ERRATA #1 - OLD TOWN SAN DIEGO SHP HISTORIC-STYLE SPECIALTY RETAIL

Interpretive Plan 20 Points

A maximum of twenty (20) points will be awarded based upon the degree to which the proposal addresses each of the elements described in Section II Proposal Information and identified in the DPR 398, Concession Proposal.

Rental Offer 25 Points

For the purpose of assigning points in the Proposal Evaluation, the highest acceptable rental offer* for each category of rent required (Minimum Annual Rent and Percentage of Gross Receipts) will be assigned the maximum points available for that category. Each lower rental offer will be assigned points in relation to the highest rental offer as follows:

Minimum Annual Rent (Minimum bid \$12,000 as specified in Section D Rental Offer)
$$\frac{(\text{Bid Amount}) \text{ minus } (\text{Minimum Annual})}{(\text{Highest Bid Amount}) \text{ minus } (\text{Minimum Annual})} \times 10 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales up to \$200,000 (Minimum bid 10% as specified in Section D Rental Offer)
$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 10 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales over \$200,000 (Minimum bid 5% **12%** as specified in Section D Rental Offer)
$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 5 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

*Note: The highest bids received may not be considered acceptable. Proposers may be required to prove to the satisfaction of the State their ability to operate a successful business under their rental offer. Failure to prove this ability will be cause to disqualify the proposal. In this case, the second highest acceptable bid would be used to calculate points awarded.

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

REQUEST FOR PROPOSALS (RFP)
HISTORIC-STYLE SPECIALTY RETAIL CONCESSION
2613 SAN DIEGO AVENUE, SAN DIEGO, CA
QUESTIONS AND ANSWERS

Following are questions received by interested parties by the February 19, 2014 due date in regard to the RFP for a historic-style specialty retail concession at 2613 San Diego Avenue within Old Town San Diego SHP. Each question is recorded as submitted by the party followed by the State's response.

Lowery's Hot Glass in Old Town
dianelowery@cox.net
San Diego, CA

1) Our custom art glass lighting may come under your "Lamps and Chandeliers" heading as appropriate. However, we offer handmade glass items of every description at our shop. May we get your recommendation as to our business qualification as appropriate for the location?

State's Response: The State is unable to make "recommendations" to potential proposers during the competitive process. However, RFP Page 3 presents a list of business types excluded from consideration, and the business you describe does not appear on the excluded list. In addition, RFP Page 14 describes the minimum experience requirement, which is two (2) years' experience owning, managing or operating a business of similar type size, scope and scope as the concession operations described in this RFP. If your prior specialty retail experience is the same as the business type proposed for this concession, and the concession is not on the excluded list, it likely meets the minimum experience requirements of the RFP.

GREGORY DAVIS
camown@aol.com

1) Why are the proposals not being accepted at the local San Diego office?

State's Response: The Department has gone through some program reorganization in the past 12 months and Request for Proposals (RFP's) are currently only being received at the Sacramento office. The DPR reserves the right to make adjustments in future RFP's.

Toni & Jonathon (RUST)
rustgeneral@gmail.com
San Diego, CA 92110

In the notice of request for proposal the minimum rental bid states the following:

\$12,000 annually OR 10% of annual gross receipts up to \$200,000 and 12% over \$200,000, whichever is greater.

In section 3.3 the Proposal Evaluation Criteria the Rental offer section states the following:

Percentage of Gross Sales over \$200,000 (Minimum bid 5% as specified in Section D Rental Offer)

Percentage of Gross Sales over \$200,000 (Minimum bid 5% as specified in Section D Rental Offer)

1. For the percentage rental offer over \$200,000 gross sales, is the minimum percentage requirement 5% or 12%?
 - a. If the correct minimum requirement is 12% for everything over \$200,000, it seems the contract is creating a deterrent for concessionaires to gross over \$200,000; could the State clarify the intent of this rental schedule?
 - b. If the correct minimum requirement is 5% for everything over \$200,000 are there any other rental tiers that would be considered? (ex: 3% over \$400,000)

State's Response: The correct minimum bid percent requirement is accurately reflected in numerous locations within the RFP as 10% of gross receipts up to \$200,000 and 12% of gross receipts over \$200,000. The reference in RFP Section 3.2 Proposal Evaluation Criteria on Page 23 as 5% is an error. The attached RFP Errata reflects correction to Page 23. The intent of the tiered rent structure provides an increased proportion of revenue to the State commensurate with the success of the proposed concession operation during up to a ten-year contract term. There are examples of tiered rent structures consistent with this practice in other concession contracts. Interested parties may view them within the Concessions Annual Report on the Department's website at www.parks.ca.gov. There is no evidence to suggest concessionaires deliberately maintain lower sales throughout the contract term due to a tiered rent structure.