

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

# Request for Proposals

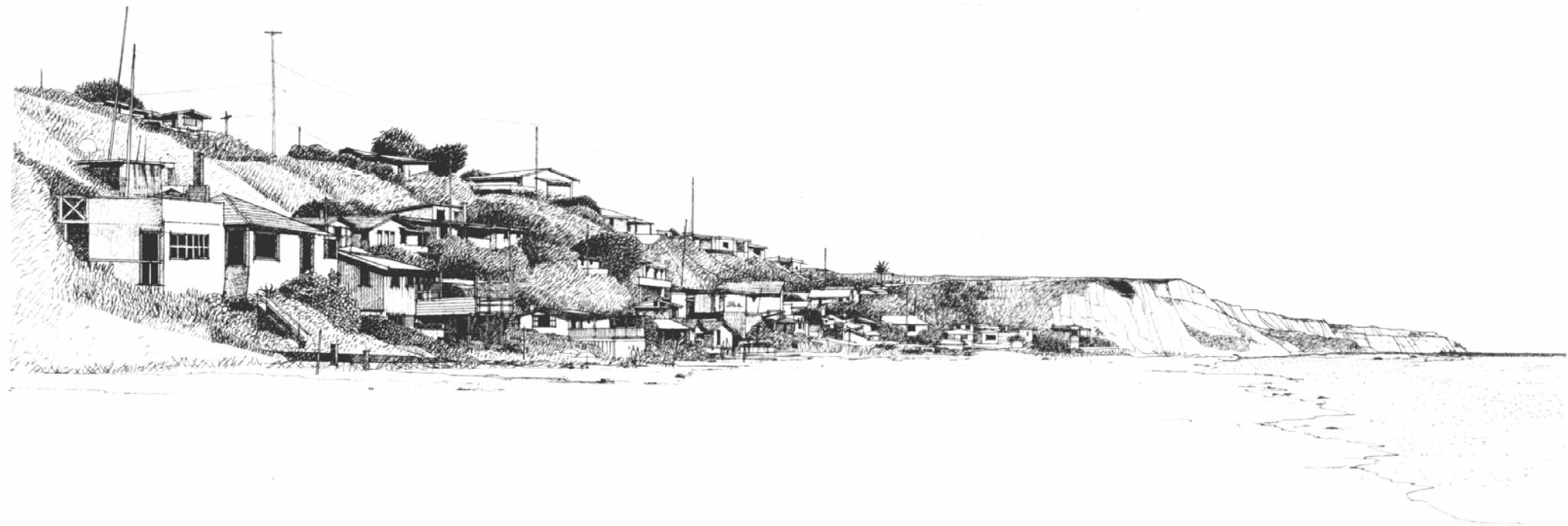
## Crystal Cove State Park

### Historic District Lodging and Restaurants



Orange County, California





# REQUEST FOR PROPOSALS

FOR

## Historic District Lodging and Restaurants

AT

## Crystal Cove State Park

Opening Date  
June 24, 2005

Closing Date  
September 21, 2005

STATE OF CALIFORNIA – RESOURCES AGENCY  
DEPARTMENT OF PARKS AND RECREATION  
CONCESSIONS DIVISION  
1416 NINTH STREET, 14<sup>TH</sup> FLOOR  
SACRAMENTO, CA 95814







## NOTICE OF REQUEST FOR PROPOSALS

California State Parks is seeking to award a twenty (20) year contract to a qualified operator to develop, equip, operate, and maintain a historic beach vacation concession including two restaurants, 13 overnight cottages, and related visitor services. Notice is hereby given that the California Department of Parks and Recreation now is accepting proposals for the concession operation described below.

Concession Name:	Historic District Lodging and Restaurants
Park Unit:	Crystal Cove State Park
Proposal Closing Time & Date:	2 p.m. on September 21, 2005
Proposal Submission Location:	Concessions and Reservations Division 1416 Ninth Street #1041 Sacramento, California 95814
Contract Term:	Twenty (20) years
Minimum Annual Rent Bid:	Thirty thousand dollars (\$30,000) or two percent (2%) of gross receipts, whichever is greater
Minimum Annual Facility Improvement Bid:	Twelve percent (12%) of Gross Receipts
Proposal Bond (due at time of proposal submission):	Fifteen thousand dollars (\$15,000)
Performance Bond (due at time of Contract submission):	One year's minimum annual rent as bid
<b>Mandatory Pre-Proposal Meeting</b> (attendance of at least ONE Pre-Proposal Meeting in its entirety is MANDATORY):	Meeting #1: July 12, 2005 at 1:00 p.m. <b>OR</b> Meeting #2: July 20, 2005 at 1:00 p.m.  Crystal Cove State Park Sector Office Los Trancos Parking Lot 6902 East Coast Highway Newport Coast, CA 92657

For more information or to purchase a copy of the complete RFP, contact Callie Hurd at the Concessions, Reservations, and Fees Division, 916-653-7733, or visit the Web site at [www.parks.ca.gov/concessions](http://www.parks.ca.gov/concessions).

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Ruth Coleman, Director



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## SECTION 1 - PROJECT SUMMARY

### 1.1 GOAL & OBJECTIVES

#### Department Mission

The mission of the California Department of Parks and Recreation is to provide for the health, inspiration, and education of the people of California by helping to preserve the state's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation.

#### Park Mission

The purpose of Crystal Cove State Park is to make available to the people for their enjoyment the natural, cultural, and recreational values of a significant open space area on the Orange County coast.

#### Goal of this Request for Proposals (RFP)

The goal of this RFP is to award a twenty (20) year contract to a qualified operator to develop, equip, operate, and maintain a historic beach vacation concession including lodging and two restaurants.

#### Objectives of this Concession

The objectives of this concession opportunity are to:

- Assist the Department with implementation of the Crystal Cove Historic District Preservation and Public Use Plan, 2003, and provide on-going support for the goals and objectives of the Plan;
- Assist in and complement the re-creation of the historic ambiance of the Crystal Cove beach community from 1935-1955;
- Provide for the improvement and operation of cottages in the Historic District as affordable, short-term, public rentals;
- Provide for the improvement and operation of a restaurant within the Historic District;
- Provide for the improvement and operation of a snack stand (Shake Shack) on the highway;
- Contribute to Department's mission to "provide for the health" of Californians by promoting the importance of healthy, locally and sustainably grown, organic foods.
- Provide quality products and services at reasonable prices to park visitors;
- Promote and complement safe, enjoyable, and high-quality recreational experiences for all park users.

### 1.2 GENERAL INFORMATION

#### Site Description

Crystal Cove State Park is located on the Orange County coast between the communities of Newport Beach and Laguna Beach, and includes more than three miles of scenic coastline. The park contains some of the last remaining undeveloped coastal property in Southern California, as well as scenic upland canyons and ridges, coastal bench lands and bluffs, excellent swimming beaches, and significant offshore marine

features. The boundaries of the park contain a total of 2,791 acres, including additional upland property near Moro Canyon.

The park contains several important Native American sites, a variety of natural resources, a hike-in campground, and a historic district made up of cottages built between 1927 and 1940. This region, including the current park lands, was used for grazing and ranching operations from the late eighteenth to the late twentieth centuries.

The Pacific Coast Highway divides the park into two parts: the coastal strip and the inland areas. The coastal strip is about 448 acres (181 hectares) and consists of the coastal terrace, bluffs, strand and pocket beaches, intertidal and marine features, and the Historic District. The inland area is about 2,343 acres (948 hectares) in size, and includes nearly all the watershed of Moro Canyon and the campground.

Public parking for day and overnight users is provided in the Los Trancos parking lot. The park is closed to day-use from sunset to sunrise. Patrons of the restaurant located in the Historic District will be granted access to the Los Trancos parking lot and Historic District until 10 pm daily.



### **Historic District**

The area of the park known as the “Historic District” consists of 46 seaside cottages within 12.3 acres. It is located at the midpoint of the park’s three-mile coastline at the mouth of Los Trancos Canyon between the Pacific Coast Highway and the ocean.

The history of Crystal Cove is so interwoven with the early days of the motion picture industry that it is difficult to determine whether the area was first used as a beach camp by The Irvine Company or as the ideal location for south sea film sets. As early as 1917, palm trees were planted and a “paradise of the south seas” set created for the benefit of film-makers who could easily reach this location by rail. Film makers continued to use the location through out the 1920s. Small cottages were built and thatched with palms, and the Cove took on the exotic appearance of Hawaii or Tahiti. For years every cottage built at the Cove used palm thatching to accommodate the needs of the movie industry.

Private cottages began to be built during the 1920s, especially following completion of the Pacific Coast Highway in 1927. The site was always a favorite spot of the Irvine Family and the family generously allowed employees and friends to build small shelters and cottages along the beach and against the bluff. These cottages often began as one room with canvas walls. The “palm thatched twenties” gave-way slowly to wooden structures. In 1927, it is reported that Elizabeth Wood named the beach Crystal Cove.



**Cottage #14, Historic Photo**

In the late 1930s, cottage owners were required to either move their cottages elsewhere or relinquish ownership to the Irvine Company and lease the cottage back. Many owners chose to stay and the leasing system actually served to preserve the district in its original form. Lessees could perform regular maintenance on the facilities but could not modify or add rooms to the cottages until after 1950. As a result, the area appears much as it did in the 1930s and 1940s, with the exception of the absence of seasonal campers who are no longer allowed to pitch tents on the beach.

In 1979 The Irvine Company transferred the property to the State of California. In the early 1980s the area was placed on the National Register of Historic Places as one of the last remaining early 20<sup>th</sup> century Southern California recreational beach communities.

The use of unique building materials and techniques give the District its distinctive historic character. Most cottages are of single-wall construction, and feature sash windows with wood frames, French windows, or picture windows. For example, the windows of one cottage were transferred from a coach of an old interurban electric railway car that ran between Long Beach and Balboa Beach. Exterior siding varies from

wood shingles to board-and-batten. With the exception of a few cottages that have aluminum window framing, the unique architectural characteristics of each cottage have remained. These features have been painstakingly recorded by California State Parks and were essential in the planning and implementation of cottage and landscape restorations over the last few years.

Based on the District’s period of development, the “historic” or “interpretive period” for the District is 1935-1955. All concession facilities and services must reflect the look, feel, and ambiance of Southern California during this era. Proposals will be evaluated based on the extent to which they successfully recreate this era and communicate a sense of place to visitors. Further, due to the historical status of the District, all proposed improvements and repairs will be reviewed by Department specialists for compatibility with historic preservation standards and guidelines.

**Snack Stand**

The Crystal Cove snack stand (Shake Shack) grew out of America’s newest pastime of the 1920s: auto touring. With passage of the road building bond acts of the 1920s, the Pacific Coast Highway continued south from Los Angeles. A newly paved road offered residents of Los Angeles the freedom to leave the city for a day of touring on the then rural coast. Ocean vistas, new beaches, and a stop at a snack stand became part of the recreational pastime of the 1920s and ‘30s.



**Current Concession Operation**

Gross sales reported by the snack stand (Shake Shack) concessionaire over the last five years are listed below. Estimated visitor attendance to the park also is included.

<u>Fiscal Year</u>	<u>Visitation</u>	<u>Gross Receipts</u>	<u>Rent to State</u>
1999/00	356,645	\$ 287,881	\$ 51,819
2000/01	488,785	\$ 308,690	\$ 55,566
2001/02	577,807	\$ 321,175	\$ 57,810
2002/03	653,927	\$ 329,653	\$ 59,318
2003/04	663,718	\$ 355,500	\$ 63,991

**NOTE:** The preceding is for general information only; the State does not guarantee its accuracy. It is recommended that proposers personally investigate the premises and park environs.

### **Historic District Concession**

A primary goal of this concession contract is to re-create the historic ambiance, including the appearance, flavors, textures, and smells, of a California beach community from 1935-1955. The concession will involve visitors in the past life of the park through demonstrations of typical activities, tasting typical foods, or staying in typically furnished and decorated rooms. Visitors will be given the opportunity to step back in time, to experience what life was like during this era, and to bring to the present a personal understanding of history. The concessionaire will offer a compelling experience of historic daily life to enhance people's understanding of the historic beach community at the Cove, contribute to the visitors' appreciation of the products and services offered by the concessionaire, and assist the Department in fulfilling an important interpretive need at the park.

### **Future Plans**

The Crystal Cove Historic District Preservation and Public Use Plan (PPUP), 2003, outlines the Department's intent for the concession facilities. Long term at the Historic District, the Department intends to improve and restore the facilities in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes and to provide access as necessary and feasible for public enjoyment of the recreational, cultural, and natural values of the Historic District and beach.

Restoration plans currently are divided into two phases. It is anticipated that Phase I will be completed during 2005. This phase provides for the rehabilitation of 13 cottages for overnight rentals, one cottage for the concession's Registration Office and On-Site Manager's Office, and one cottage to serve as the restaurant. Additional cottages also are being restored for use by the State and the park's cooperating associations. All restored facilities will be compliant with the requirements of the Americans with Disabilities Act.

Phase II will provide for the restoration and rehabilitation of the remaining cottages. Once complete, Phase II will provide up to 17 additional cottages for overnight rental by the public. Currently, the estimated cost for completing Phase II is \$10-15 million. The cottages to be rehabilitated in Phase II include cottage numbers 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20, 23, 25, 26, 28, 30, 31, 36, 40, 42, 43, 44, and 45.

Funding for Phase II has not yet been identified. Proposers may include a plan for completing Phase II at their own cost and expense. Proposers who provide funding for Phase II may abate the approved costs from the Facility Improvement Account (see Sample Concession Contract Paragraph 4) up to the total cost of Phase II implementation. Operation of the Phase II overnight rental cottages is subject to the same terms and conditions of operation as the Phase I overnight cottages.

**Resources for Further Information**

The following resources are recommended for further information. Some of these resources are available on-line at [www.parks.ca.gov/concessions](http://www.parks.ca.gov/concessions).

- Crystal Cove Historic District Preservation and Public Use Plan & Draft EIR, 2003
- California State Parks Accessibility Guidelines, 2005
- Aiming for Excellence, An Evaluation Handbook for Interpretive Services in California State Parks, 2002
- All Visitors Welcome: Accessibility in State Park Interpretive Programs and Facilities, 3<sup>rd</sup> Edition, 2003.
- U.S. Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes  
<http://www.cr.nps.gov/hps/tps/secstan1.htm>
- National Register Nomination
- Crystal Cove Cottages: Islands In Time On The California Coast by Steen, Davick, Braselle, and Connell, available July 1, 2005, Chronicle Books.



**Old Cottage #15, Site of the New Historic District Restaurant**

### 1.3 CONTRACT SUMMARY

It is critical that proposers be familiar with and fully understand all the terms and conditions of the Sample Concession Contract (included herein). Your proposal should be based on the requirements of this contract in its entirety. If a proposer is awarded the contract, the successful proposer has 30 days to review and sign the awarded contract. The successful proposer shall be expected to accept the provisions of the Sample Concession Contract as written. If necessary, minor clarifications, approved by staff counsel, the Department of General Services, and the State Attorney General, may be made prior to contract execution. The intent of the contract is to provide the public with high-quality, reasonably priced goods and services in an authentic manner and atmosphere that enhances the visitor's experience and understanding of the historic period of 1935-1955, and the educational, natural, and cultural resources of the park. The term of the contract is for a period of twenty (20) years.

**Note:** As part of the original 1979 park acquisition, the deed from The Irvine Company (TIC) to the State provides TIC with the right of first refusal (prior to January 1, 2030) on any concession contract within Crystal Cove State Park exceeding ten (10) years. Upon selection of the successful proposal, and before execution of the final contract, TIC will have the right to enter into a concession contract under the same terms proposed by the winning proposer. TIC will have sixty (60) days to respond to the Notice of Intent to Award.

Summary descriptions of some of the important contract provisions are described below.

**At a minimum, the successful proposer will be required to:**

1. Provide public access to affordable, short-term, overnight accommodations in a historically authentic environment within designated cottages of the Historic District.
2. In Cottage 15 of the Historic District, develop and operate a restaurant providing sit-down and take-out food service with optional retail sales and equipment rentals (as approved by State) in a historically authentic environment.
3. Upgrade, repair, restore, operate, and maintain in a historically authentic manner the snack stand located in the park at 7703 East Coast Highway.
4. At concessionaire's option and with approval of State, provide temporary or mobile structures consistent with historic, seasonal, beach structures for vending, equipment rentals, dining, and entertainment services on the beach within Crystal Cove State Park.
5. At concessionaire's option and with approval of State, provide all catering services in the Historic District in a historically appropriate manner.

6. Assist with and complement the interpretive efforts of the State and the park's cooperating associations through participation in park and community events and the provision of limited retail space for association merchandise.
7. Establish a Facility Development Account and deposit the amount presented in the proposal, which at a minimum shall be twelve percent (12%) of gross receipts monthly, for restoration and development of the Premises.
8. Pay as annual rent the amount presented in the proposal, which, at a minimum, shall be the greater of thirty thousand dollars (\$30,000) or two percent (2%) of Gross Sales.
9. Provide an Operation Plan, Facility Plan, and Interpretive Plan that clearly demonstrates the proposer's plan to provide fully accessible services and facilities that comply with the Americans with Disabilities Act. The plans will become part of the contract subject to State review and approval.
10. Maintain the premises, facilities, furnishings, and equipment in good condition in accordance with Department standards and contract provisions.
11. Provide a continuing Performance Bond in the amount of one year's minimum annual rent as bid.
12. Pay for all taxes applicable to the operation of the concession, including possessory interest taxes, and all utility services as required by the contract.
13. Provide liability and fire insurance as required by the contract.
14. Obtain all necessary licenses, permits, and approvals as set forth in the contract and abide by all applicable health, safety, and environmental codes and regulations.
15. Comply with the letter and spirit of current and subsequent guidelines or plans, including General Plan amendments or updates, management and interpretive plans, historic structure reports, and others.
16. Demonstrate compliance with labor laws as specified in the RFP.

**The successful proposer will not:**

1. Provide or sell items or services considered inappropriate, deemed objectionable, or denied by the State.
2. Charge prices in excess of those approved by the State.
3. Promote or participate in activities that are incompatible with the rules, regulations, guidelines, or the mission of the Department.

4. Conduct business activities in any area of the park not authorized by State for such use.

**Note: This contract summary is for general information only. Terms and conditions are set forth in detail in the Sample Concession Contract.**



**SECTION 2 - THE RFP PROCESS**

**2.1 PROPOSAL PROCESS**

**Tentative Proposal Dates**

June 24, 2005 .....	Opening Date - Publication of the RFP
July 12, 2005.....	Pre-Proposal Meeting #1
July 20, 2005.....	Pre-Proposal Meeting #2
July 29, 2005.....	Questions - Last date for proposers to submit written questions
August 12, 2005 .....	Answers - DPR written responses to questions
September 21, 2005.....	Closing Date - Deadline for proposal submission
October 2005 .....	Investigation and evaluation of Proposals
November 1, 2005.....	Notification of "Intent to Award Contract"
November-December 2005 ....	Award, preparation, and execution of contract
January 15, 2006 .....	Twenty (20) year contract begins

Attendance of at least one Pre-Proposal Meeting is <b>MANDATORY</b>
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**Note:** This schedule does not consider unforeseen factors that could impact the timing of the project. It is the intent of the State to keep proposers apprised of changes in the schedule as they occur. Should the award of the contract be protested, additional time will be required to resolve the matter.

**Mandatory Pre-Proposal Meetings**

It is essential that you or your designated representative attend one of the two Mandatory Pre-Proposal Meetings at 1:00 p.m. on Tuesday, **July 12, 2005** or Wednesday, **July 20, 2005** at Crystal Cove State Park Sector Office, Los Trancos Parking Lot, 6902 East Coast Highway, Newport Coast, CA 92657 . Failure to attend at least one meeting in its entirety will cause your proposal to be rejected. There will be no exceptions to this requirement. The meeting provides an equitable forum for all proposers to:

- Meet local Department staff;
- Learn about the RFP process, including procedures for questions and answers, proposal submission, and contract award;
- Inspect the concession site and receive information on the park and facility history and Department plans for the park and the concession;
- Review the RFP document.

**RFP Content Questions**

Questions regarding this RFP must be submitted in writing and received no later than 5 p.m. on July 29, 2005. To ensure fair competition in which all proposers receive the same information and materials, no telephone or personal inquiries about this RFP will be answered. Questions should be submitted in writing to the Department by mail or

fax at the address and phone numbers listed below. A written compilation of all questions and answers, and any RFP addenda, will be sent by first-class mail to all identified potential proposers. Questions will be answered as clearly and completely as possible without jeopardizing the competitiveness of the proposals.

Proposers should send their questions addressed to:

California Department of Parks and Recreation  
Concessions and Reservations Division  
P.O. Box 948296  
Sacramento, California 94296-0001  
Attn: Callie Hurd  
Fax: 916-657-1856

### **Proposal Bond**

Proposals must be accompanied by a Proposal Bond or cashier's check payable to the State of California, Department of Parks and Recreation, in the amount of fifteen thousand dollars (\$15,000). By submitting a proposal bond the proposer agrees that the bond or cashier's check may be cashed and retained by the State upon proposer's failure to execute the contract once awarded and/or proposer's failure to comply with the start-up terms of the contract once awarded. 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 fully executed.

### **Proposal Submission**

Your proposal, including the Proposal Bond, must be received by 2 p.m. on September 21, 2005 at:

Concessions and Reservations Division  
1416 Ninth Street #1041  
Sacramento, California 95814

### **Proposal Format & Content**

The proposal package must be sealed and clearly marked on the outside with "Proposal for Historic District Lodging and Restaurants at Crystal Cove State Park". Please submit an original plus **seven (7)** copies of your 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. Requests to review proposal submissions will not be allowed until after an "Intent to Award Contract" notice is published by the State.

**Withdrawal of Proposals**

Proposals may be withdrawn at any time prior to the proposal closing date and time provided that a written request executed by the proposer or his/her duly authorized representative for the withdrawal of such proposal is filed with the Department. The withdrawal of a proposal shall not prejudice the right of a proposer to file a new proposal prior to the proposal closing date and time. However, once the proposal closing date and time has past, proposals shall be irrevocable.

**2.2 EVALUATION PROCESS****Verification of Proposal Information**

The State will obtain credit reports and verify tax form information to further establish the qualifications of any proposer. All proposers may be subject to a personal interview and inspection of his/her business premises prior to award. Proposers should notify bank and business references in writing that a representative from the state will be contacting them concerning the financial and credit information furnished to the Department with the proposal.

**State's Right to Reject Proposals, Waive Defects and Requirements**

The State reserves the right to accept or reject any or all proposals, and waive any or all immaterial defects, irregularities, or requirements in the RFP for the benefit of the State, so long as such waiver does not give any proposer a material advantage over other proposers. A proposer shall not be relieved of his/her proposal nor shall any change be made in his/her proposal due to a proposer error.

### **Supplemental Information**

At its sole discretion, the State reserves the right, but does not have the obligation, to seek supplementary information or clarification from any proposer at any time between the dates of proposal submission/acceptance and the contract award. The State may obtain credit reports and/or make background inquiries to further establish the qualifications of any proposer. Any proposer may be subject to personal interview and inspection of his/her business premises prior to award. Any proposer may be required to appear before the Concession Contract Award Board.

### **Proposal Evaluation**

All proposals received shall be evaluated for form and content in accordance with the requirements of this RFP. The Contract Award Board will evaluate and score each eligible proposal pursuant to the point system and selection criteria as described in the Proposal Instructions and Proposal Evaluation Form. **Proposals not containing all of the items in the Concession Proposal form (DPR 398) may be rejected.**

### **Contract Award Board**

Concession Contract Award Boards are appointed by the Director of the Department, or his or her representative, and convened to review, evaluate, and rate each proposal received and make a recommendation to the Director regarding the selection of the "Best Responsible Proposer". The Award Board for this contract may include park staff with related expertise, such as Field Division Chief, Deputy Director, Park Design and Construction staff, or District Superintendent, and representatives from other public agencies and the private sector.

### **Contract Award**

If an award is made, the award for a concession contract will be to the "Best Responsible Proposer" in accordance with Section 5080.23 of the Public Resources Code. The "Best Responsible Proposer" will be the bidder whose proposal passes each of the required elements and receives the highest total score as determined by the Contract Award Board and approved by the Director or designee. Execution of the awarded concession contract is subject to approval by controlling agencies of the State, which include the Department of General Services and the Attorney General, and will not be binding on the State or the successful proposer until such approval is obtained.

### **Protest of Award**

Based on Title 14, California Code of Regulations, Chapter 3, Section 4400 and Department policy, other than a contract negotiated under Section 5080.16 of the Public Resources Code, when a concession in excess of two years is proposed to be let at public bid (or RFP), any proposer protesting or objecting to the same, or desiring to protest or object, may file within ten calendar days of the awarding of the contract (publication of the "Notice of Intent to Award") with the Director of the Department his/her verified petition, setting forth his/her objections, the reasons therefor, and points and authorities in support thereof. Failure to file a verified petition within the ten-day period shall constitute a waiver of the right to protest. Protests must be sent to:

Director  
California Department of Parks and Recreation  
P O Box 942896  
Sacramento, California 94296-0001  
Fax: 916-657-3903

A copy of such petition also must be served upon the Attorney General within such ten-day period by the protesting entity. Serve the Attorney General at:

California Department of Justice  
Office of the Attorney General  
Natural Resources Law Section  
1300 I Street, 11<sup>th</sup> Floor  
Sacramento, California 95814  
Fax: 916-327-2319

At the time of filing said petition, the protestor may demand in writing a hearing thereon. If a hearing is so demanded, or if the Director on his/her own motion orders a hearing, proceedings shall be taken under the Administrative Procedure Act, and the said petition shall be treated as a statement of issues. Any recommendation or proposed decision of the hearing officer shall be submitted to the Director for approval, adoption, modification, disapproval, or other interlocutory or final action thereon by the Director. If a hearing is not so demanded or ordered, the action of the Director on said petition shall be final.

## **2.3 CONTRACT EXECUTION**

### **Preparation of Contract**

Subsequent to the award of a contract, if an award is made, the State will prepare a final contract for execution. The contract will contain "exhibits" developed from the selected proposal including the proposal's Operation, Facility, and Interpretation Plans, as required. Minor changes or modifications to the contract, proposal plans, and contract exhibits may be made prior to execution based on agreement between the State and concessionaire. However, no material change to the contract or its exhibits as presented in the RFP and in the selected proposal may be made.

### **Performance Bond and Insurance**

The successful proposer will be required to submit a Performance Bond and evidence of insurance required under the contract. Failure to submit the bond and/or insurance verification within the time limit presented may be treated as a refusal to execute, if the State so elects. The State may take the Proposer Bond and select the next Best Responsible Proposal.

### **Failure to Sign/Deliver Contract**

A failure of the successful proposer to sign and deliver the contract within thirty (30) days of receipt may be treated as a refusal to execute, if the State so elects. The State

may retain the Proposer Bond and select the next Best Responsible Proposal and so on until a contract is fully executed.

**Return of Proposer's Bond**

The successful proposer's bond or cashier's check will be refunded when the successful proposer has executed the contract and provided the State with all bonds and evidence of all insurance required under the contract.

## **SECTION 3 - THE PROPOSAL**

### **3.1 INSTRUCTIONS FOR THE CONCESSION PROPOSAL**

A completed Concession Proposal form (also known as DPR 398) and a Proposal Bond will constitute your proposal. You must complete all sections, respond to all questions, and fill in all blanks of the form. Inapplicable questions or blanks must be marked “N/A” or “Not Applicable”. Failure to properly complete the form may disqualify your proposal.

The proposal must be clear, unambiguous, and unconditional. It should clearly commit you to entering into a contract with the State to provide the services and other concession improvements as required by this RFP and offered in the proposal.

The submission of a proposal shall be deemed evidence that you are fully aware of the responsibilities of being a concessionaire and have carefully examined State and County of Orange laws relating to California State Park concessions; possessory interest tax as related to concessions; the site(s) selected for said concession; obligations and responsibilities related to local control agencies and permitting requirements; and the proposal instructions, proposal form, and the sample concession contract included herein.

Please refer to the following information to complete the Concession Proposal form (DPR 398):

#### **I. PROPOSER INFORMATION**

##### **A. Proposer Identification**

###### Small Business Status

Preference will be granted to proposers properly certified as Small Businesses as defined in Title 2, Section 1896, et seq., California Code of Regulations. If you want to claim this preference, include a copy of the Small Business Certification with your proposal. Omission of the Certificate or Office of Small Business (OSB) identification number may delay awarding of preference points. A complete and certifiable application must be on file with the OSB by 5:00 p.m. on the proposal closing day. To ensure a certifiable document, applications should be submitted well before the proposal closing day. It is the proposer’s responsibility to contact OSB to verify the completeness of the application. Incomplete documents are not certifiable. You may obtain an application for Small Business Certification from:

Office of Small Business and DVBE Certification  
707 Third Street, 1<sup>st</sup> Floor, Room 400  
West Sacramento, CA 95605  
(800) 559-5529 or (916) 375-4940  
FAX (916) 374-4950

Certification will verify that the business is independently owned and operated; not dominant in its field of operation; has its principal office located in California; has officers domiciled in California; and together with affiliates is either a service, construction, or

non-manufacturer with 100 or fewer employees and average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three (3) years, or a manufacturer with 100 or fewer employees.

## **B. Business Information**

Select the type of business that describes the proposing entity (Sole Proprietorship, Partnership, Joint Venture, or Corporation) and provide the requested information. The type of business must be established prior to submitting a proposal and must not be a condition of receiving the contract.

### Business Experience

Provide a narrative describing in detail the duration, extent, and quality of the business's previous work related to the subject concession. More points will be awarded to business entities that have experience owning, operating, and managing similar concession contracts and/or contracting for services with public agencies. More points will be awarded to business entities that have experience working with historic structures and with historic interpretation. Attach additional information as needed.

For the purpose of ensuring that all proposals are afforded an equal opportunity to compete for the contract, the Department may consult with the Department of Finance, Board of Equalization, or other experts as determined by State to obtain information necessary to estimate the amount of fees or taxes that would be paid to the State or local government by each proposer if award the contract.

## **C. Individual Information**

Each individual, partner, member of joint ventures, officer of corporations, concession manager, and holders of 25% or more of the company's shares (as applicable) must complete a copy of the Individual Information form AND complete and sign the Authorization to Release Information in Section IV.

### Individual Experience

Provide a narrative describing in detail the duration, extent, and quality of your education and business experience with special emphasis on your experience related to the subject concession. Be specific with respect to the type and dates of experience, your role in the management and specific duties, type and size of operation, quality of operation, public agency involvement, contractual relationships, and other factors that demonstrate your ability to successfully operate the proposed concession. Be sure to demonstrate how you meet the required proposer qualifications, if applicable. Attach additional information as needed.

For the purposes of this RFP, proposer(s) or proposing entity should have a minimum of five (5) years experience owning, managing, or operating a business of similar size, type, and scope as the concession operations set forth and envisioned by this RFP. The proposer will be rated according to the years of relevant experience as verified by references. In addition, points may be awarded for experience contracting with public agencies.

**D. Statement of Financial Capability**

Proposers must present evidence satisfactory to the State demonstrating their ability to finance, construct, operate, and maintain the concession facilities as proposed. Your statement of financial capability must include the source of funding and detailed information including:

Source of funding and cost of concession development: Identify and describe the specific source of funding that your business will use to undertake the project as you have proposed. If funds are to be used from outside sources (i.e., parent company, third party, LLC partners, etc.), provide documentation, such as a recent bank statement, balance sheet, income statement, and/or other supporting documents, to demonstrate these funds are available and unconditionally committed to this concession project. In addition, if funds are to be borrowed to finance any portion of the total investment, you must provide loan commitment documentation such as a letter-of-intent from the individual, bank, or other lending entity indicating the minimum amount to be loaned and any applicable percentage rate. The loan commitment may contain the qualification that the loan will be consummated only upon award of an agreement with the State, otherwise the commitment must be irrevocable and unconditional.

Business Financial Statement: Use the Business Financial Statement to describe the current and true condition of your business' assets, liabilities, and net worth. Round figures to the nearest dollar. If your business is a partnership or joint venture, each general partner or joint venturer must individually submit a Business Financial Statement. You may provide copies of forms filed with the Internal Revenue Service, where applicable.

**E. Credit Worthiness**

Proposers must present evidence of credit worthiness. At a minimum, evidence shall include a credit report issued by a nationally recognized credit bureau within 60 days of the proposal due date. Any derogatory information listed on said reports must be explained.

**F. References**

Financial, client, and vendor references are used to confirm information provided by proposers and to evaluate the proposer's quality of experience and past performance. Please submit one reference for each reference type required below. However, to adequately substantiate the claims you have made in your proposal, you are encouraged to provide three references that are familiar with you and your business. Proposers are responsible for ensuring that all addresses and phone numbers are correct. The Department is not responsible for identifying and correcting inaccurate information.

For the purposes of this RFP, please provide the references from the following sources:

- Financial References: Include your bank or savings and loan institution.

- Client or Business References: Name clients or other persons that most accurately reflect your performance and ability to fulfill contract obligations with other entities for the provision of goods and services.
- Vendor References: Please provide vendor references if you are a pre-existing business currently utilizing vendors.

## **II. PROPOSAL INFORMATION**

Provide an Operation, Facility, and Interpretive Plan that addresses each of the checked elements in the Concession Proposal form (DPR 398). For your information, each element of the Concession Proposal is described below. You may submit additional information to fully describe and enhance your proposal.

### **A. Operation Plan**

As a condition of the contract award, the successful proposer may be required to revise or further develop the Operation Plan to the satisfaction of the State and prior to the execution of the contract. If and when it is accepted, the final plan will be incorporated as an exhibit to the contract and become an obligation of the concessionaire thereunder. In addition to the Operation Plan, the successful proposer also must adhere to the operational requirements as described in the contract.

All concession facilities and services must reflect the look, feel, and ambiance of Southern California during 1935-1955. Proposals will be evaluated based in part on the extent to which they successfully recreate this era and communicate that experience to visitors. Your Operation Plan should address each of the following elements:

#### Vision/Mission Statement

Your Vision/Mission Statement should capture both the State's and your own goals and objectives for the concession business and provide a clear philosophy to guide you.

#### Organizational Structure

Provide an organization chart and staffing plan that can guide the operation and ongoing management of your concession business. Your plan should identify and define all job classifications to be used and the required job skills and qualifications. Describe the assignments, duties, and schedules for each staffing level considering contract requirements, the proposed hours of operation (see Sample Concession Contract), and any unique seasonal and peak use circumstances.

#### Transition/Business Start-Up Plan

Describe your plan and timeline for starting concession operations.

#### Customer Service Plan

Demonstrate your ability and clear commitment to successfully implement an effective customer service program. Your plan should include, but is not limited to, previously established and effective customer service program models, adequate employee

staffing and management oversight, hours of operation equal to or greater than required by this RFP, and a customer satisfaction feedback survey program.

#### Employee Staffing and Training Plan

Your Employee Staffing and Training Plan should include, but are not limited to, personnel policies; hiring practices; health, safety, and grievance policies and procedures; uniform policies and requirements; business orientation; job training; and park orientation training. Such programs must provide sufficient staffing with the skills, capabilities, and training to ensure the provision of uninterrupted, high-quality services to all park visitors.

#### Marketing and Advertising Plan

Your Marketing and Advertising Plan should include, but is not limited to, proposed approaches, methodologies, media, advertising materials, schedules, and budget allocations. All on-site materials must be appropriate to the historic period.

#### Community Involvement Plan

Provide a plan for and commitment to creating added value and benefits to the surrounding community and park visitors. This plan may include special events, educational programs, and community service activities. In addition, you should identify the special skills, knowledge, and resources needed and available to implement your plan.

#### Products, Merchandise, and Services Plan

Provide a detailed description of the proposed menu and other products, merchandise, and services to be provided by the concession operation. Food and other sales items must be high-quality and the selection varied. The products and services offered should be compatible with the historic period, meet or exceed the needs of visitors, and be compatible with and complementary to the mission of the park. A variety of overnight items, such as sheets and towels, may be offered for rent to overnight guests.

#### Prices and Pricing Policies

Provide a price schedule for the overnight accommodations. Demonstrate how the proposed room rates comply with the requirements of the Sample Concession Contract. Also, provide a price schedule for a representative sample of the other products and services you propose to offer. Your plan must include a definitive description and explanation of the policies to be used to establish prices for food, beverages, products, and services. The policies shall clearly demonstrate the relationship of pricing to product quality and portions. Implementation of these policies must provide park visitors with quality products at reasonable prices considering the competition of comparable markets for similar products and services.

#### Conservation and Recycling Plan

Outline your approach to solid waste management, including reduction, re-use, and recycling, use of post-consumer recycled products, water and energy conservation, pest management, hazardous materials handling, air quality, and other applicable facets of

resource conservation and environmental protection that are applicable to the concession operation. Your plan should clearly commit you to a program that will minimize negative impacts on the environment and encourage park visitors to do the same.

#### Accessibility Plan

Provide a plan for and commitment to ensuring disabled visitors will have access to all of the services provided through the concession operation in accordance with the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and California Government Code Sections 4450 et. seq. and 7250. The Accessibility Plan should address all disabilities, not be limited to those affecting mobility, and should demonstrate knowledge that barrier removal and modification will be necessary with specific facilities. Please propose any capital improvements to facility accessibility below under the Facility Plan's Capital Improvements.

#### Dorm Operation Plan

Please provide a plan for operation of the dormitory facilities. The plan shall include the hours of operation, housekeeping protocols, room assignment guidelines, and any other rules necessary for the provision of affordable overnight accommodations. Operation of the dorms should be similar to other youth hostels in California.

#### Overnight Management Plan

Describe your plan for providing customer service and on-site management 24-hours a day. Include a plan for use of the On-Site Manager's Office. Note the contract restrictions for this facility in the Sample Concession Contract.

### **B. Facility Plan**

After the State's review and approval, the Facility Plan from the successful proposal shall be included as an exhibit to the contract. In addition to the Facility Plan, the successful proposer also must adhere to the facility requirements as described in the contract.

All concession facilities and services must reflect the look, feel, and ambiance of Southern California during 1935-1955. Proposals will be evaluated based in part on the extent to which they successfully recreate this era and communicate that experience to visitors.

#### Furnishings Plan

Provide a description of the furnishings (tables, chairs, counters), equipment, décor (window coverings, wall treatments), and layout of the shake shack and restaurant. Implementation of proposer's plan should provide first-class concession facilities consistent with beach resort facilities found in California between 1935-1955 and that enhance park values, visitor services, and visitor experiences at the park.

State will equip overnight cottages with basic furnishings. Concessionaire shall provide any additional furnishings, fixtures, equipment, and décor necessary to create the

proper historical ambiance. You should demonstrate the expertise and resources necessary to develop a detailed and historically accurate Supplemental Furnishings Plan as required by the Sample Concession Contract.

To the extent possible furnishings, finishes, and accessories should either be authentic period pieces or reproductions. Many of the contemporary “retro” design pieces currently popular are modern interpretations derived from historic designs. They are not necessarily accurate reflections of the period. Therefore, caution should be exercised in selecting items to assure an accurate depiction of the era.

Lighting is an essential interpretive element. Selection and placement of lighting are important for creating the appropriate ambience for the individual cottages. Indoor and outdoor lighting fixtures shall be consistent with lighting elements from the historic period, 1935-1955.

#### Capital Improvement Plan

Describe your plans for capital improvements to the Phase I concession cottages and concession grounds. Your proposal should include a plan for completing the finish work in the restaurant in a manner appropriate to the historic period, and upgrading the snack stand facilities. Proposals regarding Phase II facilities may be addressed below in Section II.F.

All facilities must be compliant with the County’s Health Code, the Americans with Disabilities Act of 1990, and the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. Additional improvements may be proposed. Previous Orange County Health Department Inspection Reports (Program Record #0020123) may be requested from the Orange County Custodian of Records Office, (714) 831-3536.

Accessibility improvements are necessary primarily at the snack stand facility. Improvements should be proposed at other facilities where proposers find that barriers need to be removed or modifications would enhance accessibility for people with disabilities. At a minimum, improvements to the snack stand facility shall include additions and modifications for the provision of:

1. A unisex, accessible, public restroom
1. A new, fully accessible deck
2. Accessible parking
3. Accessible route from parking to snack stand counter
4. Accessible counters
5. Accessible tables and seating

A drawing of one acceptable improvement plan is available on the Department’s Web site ([www.parks.ca.gov/concessions](http://www.parks.ca.gov/concessions)) for your use. Include the resumes of the proposed architects and contractors to be used and descriptions and/or schematic drawings of the work to be accomplished and items to be installed. You may submit lists, drawings, pictures, and diagrams to illustrate and clarify your plans.

### Maintenance and Housekeeping Plan

Provide a comprehensive plan to maintain the concession facilities in a first-class condition throughout the term of the contract. The Maintenance and Housekeeping Plan criteria include budget allocations, staff skills and qualifications, staffing patterns, and housekeeping and maintenance schedules.

### Implementation Plan

Describe your plan, method, and commitment to implementing the Facility Plan. Specify the timeline for completion of any capital improvements and installation of said décor and equipment prior to the commencement of operations.

### Cost Estimates

Provide a cost breakdown for the Furnishings Plan and Capital Improvement Plan.

## **C. Interpretive Plan**

The Interpretive Plan is a critical element of this concession and, consequently, will be very influential in the selection of the successful proposal. A primary goal of this concession contract is to recreate the historic ambiance of a California beach community from 1935-1955. To that end, all concession facilities and services must reflect the look, feel, and ambiance of Southern California during this period. Proposals will be evaluated based in part on the extent to which they successfully recreate this era and communicate that experience to visitors.

The Interpretive Plan shall complement the park's programs and enhance the public's understanding of the lifestyle and activities of the people from historic Crystal Cove; contribute to the development and maintenance of a historic ambiance in the park; invite visitor involvement; and increase visitor understanding of the Historic District including the architecture and evolution of the buildings.

The Interpretive Plan from the successful proposal, after the State's review and approval, shall be included as an exhibit to the contract. The State reserves the right to include or exclude any item or items in the Interpretive Plan that the State determines do not meet the intent of the RFP or the mission of the Department. In addition to the Interpretive Plan, the successful proposer also will be required to implement the interpretive elements as described in the contract.

### Proposer's Relevant Experience

Describe your experience, knowledge, skills, and abilities to develop and operate an interpretive program.

### Business' Interpretive Theme

Describe the interpretive theme of your business including the specific years to be interpreted ("historic" or "interpretive period") and how it will represent Crystal Cove between 1935-1955.

### Business' Ambiance Plan

Describe your plan to develop and implement historical ambiance including such things as historic characterizations, period environment, costumes, signage, and advertising.

### Restaurant Plan

Provide a detailed description of the food type(s) and service, tableware/utensils, menu, and menu boards to be used and how they contribute to the development of the historic period, 1939-1950. Describe any modern equipment that will be employed and how it will be disguised/camouflaged. Note the Healthy Foods requirements of the Sample Concession Contract.

### Healthy Foods Initiative

An important goal for this contract is the promotion of a healthy lifestyle in an environmentally-sustainable manner. Provide a plan for conforming to the healthy foods requirements of the Sample Concession Contract. Your proposal should include a plan for educating visitors about the foods that were historically eaten at Crystal Cove and their similarities and differences to foods that support personal health in an environmentally sustainable manner. Proposers should consider providing traditional menu items either updated to conform with the Department's healthy food requirements, or in addition to healthy food menu options. Educational programs may include cooking demonstrations, oral presentations, written information, or other forms of interpretation.

## **D. Financial Offers**

### Rental Offer

The concessionaire will be required to pay as Annual Rent a guaranteed amount (Rental Guarantee) or a Percentage of Gross Sales, whichever is greater. Proposers shall bid both the Rental Guarantee and the Percentage of Gross Sales. For the purposes of this RFP, the Rental Guarantee must be at least thirty thousand dollars (\$30,000) and the Percentage of Gross Sales must be at least two percent (2%).

### Facility Improvement Account

The concessionaire will be required to pay a percentage of monthly gross receipts into a Facility Improvement Account. Proposers should bid the percentage of gross sales to be dedicated to the Facility Improvement Account, which at a minimum shall be twelve percent (12%) of monthly gross receipts.

## **E. Concession Feasibility**

Document your ability to successfully initiate Phase I of the proposed concession in a financially responsible manner, in accordance with the terms and conditions of the sample contract and your Operation, Facility, and Interpretive Plans. This information must substantiate your ability to: develop, furnish, equip, operate and maintain the concession in a high-quality manner; provide the public with quality products and services at reasonable and competitive prices; pay to the State the rent offered; and provide a reasonable return on your investment. Fiscal documentation that will be considered includes a financial pro forma; statement of assets and liabilities; business,

vendor, bank, and/or financial references; and similar documents. You may provide information in addition to that required in the Concession Proposal form (DPR 398), but do not alter the format in any way. You must respond to each item in the order listed with the information requested or N/A.

#### **F. Phase II Implementation Plan**

Up to 10 bonus points will be awarded to the proposals that offer to fund and manage the complete or partial implementation of Phase II of the cottage restoration plan as described in the PPUP. Proposals that include Phase II should provide the following information:

##### Restoration Plan

Describe your plan for providing for the restoration of some or all of the cottages of Phase II. If only a portion of the cottages are to be restored during the term of this contract, describe your criteria for selecting those cottages and how many cottages total you expect to restore.

##### Implementation Plan

Describe your plan, method, timeline, and commitment to implementing your Restoration Plan.

##### Cost Estimate

Provide a cost breakdown for completing your Restoration Plan.

##### Qualifications

Provide the names and qualifications of the architects, engineers, contractors, historians, and other consultants who will direct implementation of the Restoration Plan.

##### Concession Feasibility

Provide the requested information to document your ability to successfully initiate your Restoration Plan in a financially responsible manner, as described above under Section E, Concession Feasibility. Additional sheets may be included as necessary.

### **III. PROPOSAL SUMMARY**

The Proposal Summary should summarize your relevant experience, knowledge, and expertise, and your Operation, Facility, and Interpretive Plans in 250 words or less.

### **IV. CERTIFICATION OF PROPOSER INFORMATION**

#### **G. Labor Law Compliance Certification**

A request may be made to the National Labor Relations Board for information regarding Administrating Hearing decisions against each proposer. You must have no more than one final, unappealable finding of contempt of court by a federal court issued for

violation of the National Labor Relations Act within the two-year period immediately preceding the closing date of this RFP or your proposal will be disqualified.

**H. Proposer Certification**

A completed certification is required with your proposal or it will be disqualified.

**I. Authorization to Release Information**

A signed authorization for each individual, partner, member of joint ventures, officer of corporations, Concession Manager, and holders of 25% or more of the company's shares (as applicable) must be included or the proposal may be disqualified.

**V. PRIVACY NOTICE**

This section provides notice to proposers. No action by proposers is necessary.

### 3.2 PROPOSAL EVALUATION CRITERIA

All concession facilities and services must reflect the look, feel, and ambiance of Southern California during 1935-1955. Each section of each proposal will be evaluated based in part on the extent to which it successfully recreates this era and communicates that experience to visitors.

#### **Small Business Preference** **5 Points**

Five points will be awarded to those proposers who have a complete and certifiable application on file with the Office of Small Business Certification.

#### **Experience** **20 Points**

For the purposes of this RFP, proposers should have a minimum of five (5) years experience owning, managing, or operating a business of similar size, type, and scope as the concession operations set forth and envisioned by this RFP. The proposer will be rated according to the years of relevant experience as verified by references and the quality of experience as it relates to the business described in this RFP. In addition, points may be awarded for experience contracting with public agencies.

#### **Operation Plan** **15 Points**

Points will be awarded based upon the degree to which the proposal addresses each of the required elements of the Operation Plan (as identified in the DPR 398, Concession Proposal) and demonstrates an understanding of and commitment to achieving the objectives of this RFP. In addition, points will be awarded based upon the proposer's demonstrated ability to implement the components of the plan. More points will be awarded to proposals that provide high-quality goods and services that are consistent with the intent of the RFP and the mission of the park.

#### **Facility Plan** **15 Points**

Points will be awarded based upon the degree to which the proposal addresses each of the required elements of the Facility Plan (as identified in the DPR 398, Concession Proposal) and meets and exceeds the objectives of this RFP. More points will be awarded to proposals that provide high-quality and fully accessible facilities.

#### **Interpretive Plan** **15 Points**

Points will be awarded based upon the degree to which the proposal demonstrates an understanding of the park's historic period and contributes to the overall interpretive messages of the park; successfully re-creates the park's historic period and communicate that experience to visitors; and contributes to and enhances the Department's Healthy Foods Initiative and conforms to and expand upon the related contract requirements.

#### **Financial Offers** **30 Points**

For the purpose of assigning points in the Proposal Evaluation, the highest acceptable\* financial offer for each category will be assigned the maximum points available for that

category. Each lower offer will be assigned points in relation to the highest offer as described below.

Rental Offer:

*Rental Guarantee* (Minimum bid is thirty thousand dollars (\$30,000))

$$\frac{(\text{Bid Amount}) \text{ minus } (\$30,000)}{(\text{Highest Bid Amount}) \text{ minus } (\$30,000)} \times 10 \text{ points} = \text{_____ points}$$

*Percentage of Gross Sales* (Minimum bid is two percent (2%))

$$\frac{(\text{Bid Amount}) \text{ minus } (2\%)}{(\text{Highest Bid Amount}) \text{ minus } (2\%)} \times 10 \text{ points} = \text{_____ points}$$

Facility Improvement Offer:

*Percentage of Gross Sales* (Minimum bid is twelve percent (12%))

$$\frac{(\text{Bid Amount}) \text{ minus } (12\%)}{(\text{Highest Bid Amount}) \text{ minus } (12\%)} \times 10 \text{ points} = \text{_____ points}$$

\*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.

**Phase II Implementation Plan (OPTIONAL)**

**10 Points**

Points will be awarded based upon the degree to which the proposal provides a financially and operationally feasible plan using quality products and services that will meet the goal and objectives of this RFP and the mission of the park.

To ensure that all proposals are afforded an equal opportunity to compete for the contract, in the event a non-profit corporation is among the proposers for this contract, the Department may consult with the Department of Finance, the Board of Equalization, or other experts as determined by State to obtain information necessary to estimate the amount of fees or taxes that would be paid to the State or local government by each proposer if award the contract.

**3.3 PROPOSAL EVALUATION SHEET**

**LEVEL I COMPLIANCE WITH RFP REQUIREMENTS**

**PROPOSER QUESTIONNAIRE**

**I. PROPOSER INFORMATION**

- A. Proposer Identification \_\_\_\_\_ (pass/disqualify)
- B. Business Information \_\_\_\_\_ (pass/disqualify)
- C. Individual Information \_\_\_\_\_ (pass/disqualify)
- D. Statement of Financial Capability \_\_\_\_\_ (pass/disqualify)
- E. Credit Worthiness \_\_\_\_\_ (pass/disqualify)
- F. Financial/Business/Vendor References \_\_\_\_\_ (pass/disqualify)

**II. PROPOSAL INFORMATION**

- A. Operation Plan \_\_\_\_\_ (pass/disqualify)
- B. Facility Plan \_\_\_\_\_ (pass/disqualify)
- C. Interpretive Plan \_\_\_\_\_ (pass/disqualify)
- D. Rental Offer \_\_\_\_\_ (pass/disqualify)
- E. Concession Feasibility \_\_\_\_\_ (pass/disqualify)

**III. PROPOSAL SUMMARY \_\_\_\_\_ (pass/disqualify)**

**IV. CERTIFICATION AND AUTHORIZATION**

- A. Labor Law Compliance Certification \_\_\_\_\_ (pass/disqualify)
- B. Proposer Certification \_\_\_\_\_ (pass/disqualify)
- C. Authorization to Release Information \_\_\_\_\_ (pass/disqualify)

**PROPOSER BOND \_\_\_\_\_ (pass/disqualify)**

*Proposer must pass LEVEL I to qualify for further consideration.*

**LEVEL II RENT PROPOSED/CREDIT WORTHINESS & ABILITY TO FINANCE**

- A. Rent Proposed Met/Exceeded Minimum Requirement \_\_\_\_\_ (pass/disqualified)
- B. Ability to Finance \_\_\_\_\_ (pass/disqualified)
- C. Credit Worthiness \_\_\_\_\_ (pass/disqualified)
- D. Compliance with National Labor Relations Act \_\_\_\_\_ (pass/disqualified)

*Proposer must pass LEVEL II to qualify for further consideration.*

**LEVEL III PROPOSAL EVALUATION**

- A. Proposer Information
  - Small Business Preference \_\_\_\_\_ / 5 Points
  - Experience \_\_\_\_\_ / 20 Points
- B. Proposal Information
  - Operation Plan \_\_\_\_\_ / 15 Points
  - Facility Plan \_\_\_\_\_ / 15 Points
  - Interpretive Plan \_\_\_\_\_ / 15 Points
  - Rental Offer \_\_\_\_\_ / 30 Points
  - Phase II Implementation Plan (OPTIONAL) \_\_\_\_\_ / 10 Points

**GRAND TOTAL** \_\_\_\_\_ / 110 **Points**

Comments:

Board Member: \_\_\_\_\_ Date: \_\_\_\_\_

### 3.4 CONCESSION PROPOSAL, DPR 398

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

## **CONCESSION PROPOSAL**

**Crystal Cove Historic District**

(Name of Concession)

*An electronic version of this questionnaire may be requested  
from the state park office issuing this Request for Proposal.*

The Proposer Questionnaire consists of the following sections:

- I. PROPOSER INFORMATION
  - A. Proposer Identification
  - B. Business Information
  - C. Individual Information
  - D. Statement Of Financial Capability
  - E. Credit Worthiness
  - F. Financial/Business/Vendor References
- II. PROPOSAL INFORMATION
  - A. Operation Plan
  - B. Facility Plan
  - C. Interpretive Plan
  - D. Rental Offer
  - E. Concession Feasibility
- III. PROPOSAL SUMMARY
- IV. CERTIFICATION AND AUTHORIZATION
  - A. Labor Law Compliance Certification
  - B. Proposer Certification
  - C. Authorization to Release Information
- V. PRIVACY NOTICE

**I. PROPOSER INFORMATION**

**A. PROPOSER IDENTIFICATION**

**GENERAL INFORMATION**

BUSINESS NAME \_\_\_\_\_  
*(Exactly as it is to appear on the Concession Contract)*

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP CODE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

CONCESSION MANAGER NAME \_\_\_\_\_

SMALL BUSINESS:  No  Yes S/B #: \_\_\_\_\_

FEDERAL ID NUMBER: \_\_\_\_\_

**CONTACT PERSON**

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP CODE \_\_\_\_\_

PHONE NUMBER \_\_\_\_\_ FAX NUMBER \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

**B. BUSINESS INFORMATION**

Check the one box below that describes your type of business and complete/attach the associated information requested. Also attach an organization chart if appropriate.

**SOLE PROPRIETORSHIP**

**PARTNERSHIP:** Attach a complete copy of the Partnership Agreement. To qualify as a responsive proposer, the Partnership Agreement shall be executed and binding upon each of the parties.

- 1. Date partnership established \_\_\_\_\_
- 2. Is the Partnership Agreement recorded?  Yes. Date \_\_\_\_\_ Where \_\_\_\_\_  No
- 3. Has the partnership done business in California?  Yes. Dates \_\_\_\_\_  No

4. <u>PARTNER NAMES</u>	<u>ADDRESSES</u>	<u>NO. OF SHARES</u>	<u>GENERAL (G) or LIMITED (L)</u>
			<input type="checkbox"/> G <input type="checkbox"/> L
			<input type="checkbox"/> G <input type="checkbox"/> L
			<input type="checkbox"/> G <input type="checkbox"/> L

**JOINT VENTURE:** Attach a complete copy of the Joint Venture Statement/Agreement. To qualify as a responsive proposal, the Joint Venture Statement/Agreement shall be executed and binding upon each of the parties.

- 1. Date joint venture established \_\_\_\_\_
- 2. Is the Joint Venture Statement/Agreement recorded?  Yes. Date \_\_\_\_\_ Where \_\_\_\_\_  No
- 3. Has the joint venture done business in California?  Yes. Dates \_\_\_\_\_  No

4. JOINT VENTURER NAMES AND SHARE ALLOCATIONS ADDRESSES

**CORPORATION:** Attach a Corporate Resolution indicating the officers authorized to contract on behalf of corporation. The Corporate Resolution shall contain the corporate seal and be certified by the Secretary of the corporation. To qualify as a responsive proposer, the corporation shall be in good standing and qualified to do business in the State of California.

- 1. Date incorporated \_\_\_\_\_
- 2. Place incorporated \_\_\_\_\_
- 3. Is the corporation authorized to do business in California?  Yes  No
- 5. How is the corporation held?  Publicly. Below, explain how and where stock is traded.  Privately

6. For publicly held corporations, attach a copy of the most current Annual Report.

**B. PROPOSER BACKGROUND, continued**

(CORPORATION - Continued)

7. Complete the information below:

AUTHORIZED

ISSUED

OUTSTANDING

Number of voting shares

Number of non-voting shares

Number of shareholders

Value per share of common stock: Date \_\_\_\_\_ Par \_\_\_\_\_ Book \_\_\_\_\_ Authorized \_\_\_\_\_

8. Complete the information below for each officer and director of the corporation, the shareholder who is not a corporation officer or director but owns the largest number of voting shares of corporation stock, and the shareholder who is not a corporation officer or director but owns the largest number of non-voting shares of corporation stock.

<u>NAME</u>	<u>TITLE</u>	<u>ADDRESS</u>	<u>VOTING SHARES</u>	<u>NON-VOTING SHARES</u>
-------------	--------------	----------------	--------------------------	------------------------------

9. Has a surety or bonding company ever been required to perform on the default of the corporation within the last ten (10) years?

Yes. Provide the information below for each default.  No (*proceed to item 10*)

Surety/Bonding Company Name \_\_\_\_\_

Bond Date \_\_\_\_\_ Bond Amount \_\_\_\_\_

Explain the circumstances surrounding each default and actions taken by the surety or bonding company.

10. Has the corporation ever been adjudicated bankrupt or involved in pending bankruptcy matters?

Yes. Below, enter dates, court jurisdiction and amounts of liabilities and assets.  No

11. Is the corporation presently a party to any pending litigation, liens or claims?

Yes. Below, enter detailed information for each legal action.  No

12. Is the corporation subject to any outstanding claims, liens, or judgments?

Yes. Below, enter detailed information for each claim, lien or judgment.  No

13. Has the corporation defaulted on, been terminated for non-performance or breach of contract, or voluntarily abandoned or forfeited rights under a contract for services or concessions contract?

Yes. Below, enter an explanation of the circumstances and outcomes of each event.  No

**C. INDIVIDUAL INFORMATION**

Legal Name \_\_\_\_\_ Social Security No. \_\_\_\_\_  
 Residence Address \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Business Address \_\_\_\_\_ Phone No. \_\_\_\_\_

**PERSONAL HISTORY**

1. Have you, individually, as a partner, joint venturer or as officer of a corporation had a bond or surety canceled or forfeited within the last ten (10) years?  
 Yes. Provide information below.  No (*proceed to item 2*)

Bond Company Name \_\_\_\_\_

Bond Date \_\_\_\_\_ Bond Amount \_\_\_\_\_

Explain the reason for each cancellation or forfeiture.

2. Have you individually, as a partner, joint venturer, or officer of a corporation been convicted of a felony crime in the last 10 years?  
 Yes. Please explain  No

3. Have you or your spouse or any business that you owned or in which you were an officer or had an interest ever declared bankruptcy, been declared insolvent or bankrupt, filed for bankruptcy, or reorganization under Federal or State laws?  
 Yes. Below, enter dates, court jurisdictions, and amounts of liabilities and assets.  No

4. Are you individually or any partnership or joint venture in which you have been party currently involved in any pending litigation?  Yes. Below, enter dates, violations and locations.  No

**WORK EXPERIENCE:**

Attach a resume and narrative as necessary.

**CERTIFICATION:** I hereby certify under penalty of perjury that all responses stated above regarding my personal history and work experience are true to the best of my knowledge and belief, and I understand and agree that any misstatement or omission of any material fact may cause forfeiture on my part of all rights to the proposed contract to be awarded by the State of California.

SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_



**D. STATEMENT OF FINANCIAL CAPABILITY**

**SOURCE OF FUNDING AND COST OF CONCESSION DEVELOPMENT**

*(Attach additional pages as necessary.)*

**BUSINESS FINANCIAL STATEMENT**

For: \_\_\_\_\_ As of: \_\_\_\_\_  
 (Business Name) (Date)

**ASSETS**

**Current Assets**

CASH ON HAND IN BANK \_\_\_\_\_

ACCOUNTS RECEIVABLE:  
 Current \_\_\_\_\_  
 Over 30 Days \_\_\_\_\_  
 Over 60 Days \_\_\_\_\_

NOTES RECEIVABLE DUE WITHIN 1 YEAR \_\_\_\_\_

MERCHANDISE INVENTORY: Cost/Market \_\_\_\_\_

OTHER CURRENT ASSETS:  
 \_\_\_\_\_  
 \_\_\_\_\_

**Total Current Assets** \_\_\_\_\_

**Long Term Assets**

NOTES RECEIVABLE DUE AFTER 1 YEAR \_\_\_\_\_

LAND AND BUILDINGS (at cost) \_\_\_\_\_  
 <Less> Reserve For Depreciation \_\_\_\_\_

FIXTURES AND EQUIPMENT (at cost) \_\_\_\_\_  
 <Less> Reserve For Depreciation \_\_\_\_\_

PREPAID EXPENSES/DEFERRED CHANGES \_\_\_\_\_

OTHER LONG TERM ASSETS:  
 \_\_\_\_\_  
 \_\_\_\_\_

**Total Long Term Assets** \_\_\_\_\_

**\* TOTAL ASSETS \*** \_\_\_\_\_



**E. CREDIT WORTHINESS**

*(Attach additional pages as necessary.)*

**E. REFERENCES**

**Reference Type:** Financial

*Duplicate this page and submit one reference page for each reference type (financial, vendor, or client) required in the instructions.*

**REFERENCE NO. 1**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 2**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 3**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 4**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**E. REFERENCES**

Reference Type: Vendor

*Duplicate this page and submit one reference page for each reference type (financial, vendor, or client) required in the instructions.*

**REFERENCE NO. 1**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 2**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 3**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 4**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**E. REFERENCES**

**Reference Type:** Client

*Duplicate this page and submit one reference page for each reference type (financial, vendor, or client) required in the instructions.*

**REFERENCE NO. 1**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 2**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 3**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**REFERENCE NO. 4**

Name/Firm \_\_\_\_\_

Address \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number \_\_\_\_\_

Acct. Type(s) & Number(s) \_\_\_\_\_

Type of Business Relationship \_\_\_\_\_

Length of Association \_\_\_\_\_

**II. PROPOSAL INFORMATION**

*(Attach separate pages as necessary)*

**A. OPERATION PLAN**

No Operation Plan Required

- Vision/Mission Statement
- Organizational Structure
- Transition/Business Start-up plan
- Customer Service Plan
- Employee Staffing & Training Plan
- Marketing and Advertising Plan
- Community Involvement Plan

- Products, Merchandise, and Services Plan
- Prices and Pricing Policies
- Conservation and Recycling Plan
- Accessibility Plan
- Other: Dorm Operation Plan
- Other: Overnight Management Plan
- Other: \_\_\_\_\_

**B. FACILITY PLAN**

No Facility Plan Required

- Furnishings Plan
- Capital Improvement Plan
- Maintenance and Housekeeping Plan
- Other: \_\_\_\_\_

- Implementation Plan
- Cost(s) estimates.
- Other: \_\_\_\_\_

**C. INTERPRETIVE PLAN**

No Interpretive Plan Required

- Proposer's Relevant Experience
- Business' Interpretive Theme
- Interpretive Programs and Activities
- Diversity Outreach Plan
- Other: Healthy Foods Initiative
- Other: \_\_\_\_\_
- Other: \_\_\_\_\_

- Business' Ambiance Plan
- Primary Education Plan
- Restaurant Plan

**D. FINANCIAL OFFERS**

**Rental Offer:**

- Minimum Rental Guarantee: \_\_\_\_\_ (Minimum acceptable bid is \$30,000 per year)
- Percentage of Gross Receipts: \_\_\_\_\_ (Minimum acceptable bid is 2% per year)

**Facility Improvement Offer:**

- Percentage of Gross Receipts: \_\_\_\_\_ (Minimum acceptable bid is 12% per year)

**E. CONCESSION FEASIBILITY**

*You may provide additional information, but do not alter the formats below in any way. You must respond to each item in the order listed with the information requested or N/A.*

**CONCESSION DEVELOPMENT COST ESTIMATE**

PRELIMINARY PLANNING AND DESIGN	_____
CONSTRUCTION OF INTERIOR IMPROVEMENTS/FIXTURES	_____
EQUIPMENT/FURNISHINGS	_____
AUTOS/TRUCKS	_____
STOCK/INVENTORY	_____
LICENSES & PERMITS	_____
PREPAID EXPENSES	_____
OTHER COSTS:	
_____	_____
_____	_____
_____	_____

**TOTAL DEVELOPMENT COSTS**

\_\_\_\_\_

**PROPOSED MEANS TO FINANCE CONCESSION**

CONCESSIONAIRE SUPPLIED CAPITAL	_____
SHORT TERM LOANS (1 year or less)	_____
LONG TERM LOANS (more than 1 year)	_____
SUPPLIER CREDIT	_____
OTHER FINANCING:	
_____	_____
_____	_____
_____	_____

**TOTAL FINANCING\***

\_\_\_\_\_

*\* Must meet or exceed "Total Development Costs" amount.*

**II. PROPOSAL INFORMATION - CONTINUED**

*(Attach separate pages as necessary)*

**F. PHASE II IMPLEMENTATION PLAN**

- Implementation Plan
- Cost(s) estimates.
- Qualifications
- Concession Feasibility

*You may provide additional information, but do not alter the formats below in any way. You must respond to each item in the order listed with the information requested or N/A.*

**CONCESSION DEVELOPMENT COST ESTIMATE - PHASE II ONLY**

PRELIMINARY PLANNING AND DESIGN	-----
CONSTRUCTION OF INTERIOR IMPROVEMENTS/FIXTURES	-----
EQUIPMENT/FURNISHINGS	-----
STOCK/INVENTORY	-----
LICENSES & PERMITS	-----
PREPAID EXPENSES	-----
OTHER COSTS:	
-----	-----
-----	-----
-----	-----
<b>TOTAL DEVELOPMENT COSTS</b>	-----

**PROPOSED MEANS TO FINANCE CONCESSION**

CONCESSIONAIRE SUPPLIED CAPITAL	-----
SHORT TERM LOANS (1 year or less)	-----
LONG TERM LOANS (more than 1 year)	-----
SUPPLIER CREDIT	-----
OTHER FINANCING:	
-----	-----
-----	-----
-----	-----
<b>TOTAL FINANCING*</b>	-----

*\* Must meet or exceed "Total Development Costs" amount.*

<b>FINANCIAL PROFORMA</b>					
Complete all aspects of this proforma as they apply to your proposed concession operation. Round figures to the nearest dollar.					
ITEM	YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
<b>GROSS PROFIT</b>					
<b>Gross Sales</b>					
Total Gross Sales (1)					
<Less> Cost of Goods Sold (2)					
<b>TOTAL GROSS PROFIT</b>					
<b>OPERATING EXPENSES</b>					
<b>Variable Operating Expenses</b>					
Salaries & Payroll Related					
Taxes & Licenses (other than sales income)					
Insurance					
Advertising					
Maintenance & Repairs					
Utilities (including telephone)					
Legal & Accounting					
Rent to State					
Interest					
Supplies & Material					
Administrative Overhead					
Travel & Transportation					
Other:					
<b>Total Variable Operating Expenses</b>					
<b>Fixed Operating Expenses</b>					
Facility Improvements					
Equipment Purchases					
Amortization					
Depreciation					
Performance Bond					
<b>Total Fixed Operating Expenses</b>					
<b>TOTAL OPERATING EXPENSES (3)</b>					
<b>* NET INCOME *</b> <i>(before income taxes)</i>					
(1) EXPLAIN HOW YOU ARRIVED AT THE PROJECTED TOTAL GROSS SALES.					
(2) EXPLAIN HOW YOU CALCULATED COST OF GOODS SOLD.					
(3) EXPLAIN HOW YOU CALCULATED TOTAL OPERATING EXPENSES					
PREPARER SIGNATURE ▶	TITLE		DATE		
PRINTED NAME	PHONE NUMBER		EMAIL ADDRESS		
ADDRESS	CITY/STATE/ZIP CODE				

**III. PROPOSAL SUMMARY**

*(Attach seperate pages as necessary)*

**IV. CERTIFICATION AND AUTHORIZATION**

**A. LABOR LAW COMPLIANCE CERTIFICATION**

I hereby certify that:

PROPOSER NAME \_\_\_\_\_

FEDERAL EMPLOYER ID NUMBER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY/STATE/ZIP CODE \_\_\_\_\_

has not had more than one, final, unappealable finding of contempt of court by a federal court issued against the proposer for any violation of National Labor Relations Act provisions within the two-year period immediately preceding the closing date for acceptance of proposals under this Request for Proposals.

Additionally, I, the signatory, do hereby swear that I am duly authorized to legally execute the certification described above on behalf of the proposer. I am fully aware that this certification, executed on the date below, is made under penalty of perjury under the laws of the State of California.

SIGNATURE  ▶	DATE EXECUTED
SIGNATORY'S PRINTED NAME	TITLE

**B. PROPOSER CERTIFICATION**

I/We am (are) personally acquainted with the premises of the subject concession and I/we have read, understand, and agree with the terms and conditions specified in this RFP document, including the Sample Concession Contract.

I/We meet the required experience qualifications and/or currently employ a Concession Manager who meets the qualifications.

I/We have the necessary financial resources to equip and operate the concession and perform the proposed capital investments, and I/we have enclosed a cashier’s check or Proposer’s Bond in the required amount, payable to the Department of Parks and Recreation, as a guarantee that, in the event my/our proposal is accepted and approved by the State, I/we will:

1. Execute and complete the Concession Contract, incorporating this proposal and all the terms and conditions contained in the RFP. The Concession Contract then will be executed by the State upon approval by the appropriate State agencies;
2. Provide the Performance Bond as required by the Concession Contract upon execution of the Contract by State; and
3. Provide the proposed guarantees, including rent, capital investments, equipment, and management and operation services.

I/We hereby certify that all responses and information provided in connection with this proposal are true to the best of my/our knowledge and belief, and I/we understand and agree that any misstatement or omission of any material fact may cause forfeiture on my/our part of all rights to the proposed agreement to be awarded by the State of California.

I/We hereby respectfully submit this proposal, including all required documents and statements. I/We represent that the signatories hold the positions set forth below their signatures and are authorized to execute this proposal.

*If the proposal is made by a sole proprietor, this form shall be signed with the full name of the proposer. If it is made by a partnership, a limited partnership, or a joint venture, it shall be signed with the full name of each partner or member thereof. If it is made by a corporation, it shall be signed by: (1) the President, any Vice President, or the Chairman of the Board; and (2) by the Corporation Secretary, any Assistant Secretary, Chief Financial Officer, or any Assistant Treasurer.*

SIGNATURE ▶	POSITION/TITLE AND/OR FUNCTION	DATE
PRINTED NAME	PHONE NUMBER	FAX NO.
ADDRESS	CITY/STATE/ZIP CODE	
SIGNATURE ▶	POSITION/TITLE AND/OR FUNCTION	DATE
PRINTED NAME	PHONE NUMBER	FAX NO.
ADDRESS	CITY/STATE/ZIP CODE	
SIGNATURE ▶	POSITION/TITLE AND/OR FUNCTION	DATE
PRINTED NAME	PHONE NUMBER	FAX NO.
ADDRESS	CITY/STATE/ZIP CODE	

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

**C. AUTHORIZATION TO RELEASE INFORMATION**

***(General)***

To Whom It May Concern:

I/my company have (has) submitted a proposal to the State of California, Department of Parks and Recreation, for a concession operation. I hereby authorize you to release or discuss any or all information in your possession pertaining to me as requested by an employee or representative of the State of California, Department of Parks and Recreation in connection with or to verify information submitted by me in the above-referenced proposal.

PROPOSER SIGNATURE 	DATE SIGNED
PRINTED NAME	
POSITION/TITLE	
COMPANY NAME <i>(if applicable)</i>	

## V. PRIVACY NOTICE

*Section 1798.17 of the Civil Code requires this notice be provided when collecting personal information from individuals. Each individual has the right to review his or her personal information maintained by this department unless exempted by law.*

### **OFFICIAL RESPONSIBLE**

Chief, Concessions and Reservations  
California Department of Parks and Recreation  
P.O. Box 942896  
Sacramento, CA 94296-0001  
(916) 653-7733

### **AUTHORITY**

Public Resources Code Section 5080.08(a) and 5080.08(b)

### **PURPOSE**

The information will be used for the purposes of evaluation to determine capabilities of proposers to perform the contract and to determine the best responsible proposer if an award is made.

### **PROVIDING INFORMATION**

All information requested is mandatory.

### **EFFECTS OF NOT PROVIDING INFORMATION**

If the requested information is not provided, the proposal will be determined to be not responsive and will be rejected.

### **KNOWN OR FORESEEABLE DISCLOSURES OF INFORMATION PURSUANT TO CIVIL CODE SECTIONS 1798.24, SUBDIVISIONS (e) OR (f)**

Disclosure may be made to the Department of General Services, Office of the Attorney General, Department of Finance, Office of the Auditor General, or the Department of Parks and Recreation Audits Office.

**SAMPLE CONCESSION CONTRACT**