

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

Request for Proposals #RFP-07-01

San Diego Coast Overnight Surf Camps



San Elijo and South Carlsbad State Beaches
San Diego County, California



**REQUEST FOR PROPOSALS
#RFP-07-01**

FOR

**Two San Diego Coast
Overnight Surf Camps**

AT

**San Elijo/South Carlsbad State
Beaches**

Opening Date
March 23, 2007

Closing Date
June 12, 2007

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





NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that the California Department of Parks and Recreation is now accepting proposals for the operation of surf camps/schools at various locations in the San Diego Coast District of California State Parks. Two (2) separate Requests for Proposals (RFPs), one each for Private & Semi-Private Surf Schools, and Overnight Surf Camps, have been issued by the Department offering a total of five (5) contracts. Each contract is for a term of five years with a five year option to renew; at the State's discretion. Below is a summary of the contracts offered through these RFPs. Please note the different locations, operating conditions, and instructor to student ratios permitted under each contract.

RFP #	Lesson Type	Contract #	Location	Maximum Student: Instructor Ratio	Lifeguard Requirements	Operation Restrictions	Minimum Rental Bid
RFP-07-01	Overnight	1	San Elijo State Beach	7 to 1	during non-peak when exceeds 3:1	No more than 14 students in the water, 28 students max	\$20,000 per year or 12% of gross sales, whichever is greater
RFP-07-01	Overnight	2	South Carlsbad State Beach	7 to 1	during non-peak when exceeds 3:1	28 students max.	\$20,000 per year or 12% of gross sales, whichever is greater
RFP-07-02	Private/ Semi-Private	1	Carlsbad State Beach (North of the Tierra Mar homes)	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.
RFP-07-02	Private/ Semi-Private	2	Frazee State Beach (aka Carlsbad SB North of Tower #9)	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.
RFP-07-02	Private/ Semi-Private	3	Silver Strand State Beach	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.

To be considered for these concession opportunities, you must submit a proposal in accordance with the terms of the Request for Proposals. A summary of the proposal submission terms is presented below:

Proposal Closing Time & Date:	2 pm on June 12, 2007
Proposal Submission Location:	California State Parks 4477 Pacific Highway San Diego, CA 92110
Proposal Bond (The proposal bond is due at the time of proposal submission. One proposal bond must be submitted with each proposal. Only one contract will be awarded per proposal.):	Two thousand dollars (\$2,000)
Performance Bond (due at time of Contract submission):	One thousand dollars (\$1,000) - ten thousand dollars (\$10,000) depending on the contract and the amount bid.
Proposer's Minimum Years of Relevant Experience:	1 year
Optional Pre-Proposal Meeting:	10:30 am on April 11, 2007 at: San Diego Coast District, North Sector Office 2680 Carlsbad Blvd. Carlsbad, California 92008

For more information or to purchase a copy of the complete RFP for \$25, contact Donna Renner at 619-688-3343, or visit the San Diego Coast District Office at 4477 Pacific Highway, San Diego, CA 92110. You may get more information and download the RFPs from our website at www.parks.ca.gov/concessions.

ORIGINAL SIGNED BY

Ronilee A. Clark, District Superintendent

TABLE OF CONTENTS

NOTICE OF REQUEST FOR PROPOSALSIV

SECTION 1 - PROJECT SUMMARY 1

1.1 GOAL & OBJECTIVES 1

Department Mission..... 1

Goal of this Request for Proposals (RFP)..... 1

Objectives of this RFP 1

1.2 GENERAL INFORMATION 1

Site Description 1

Lifeguard Service..... 1

Current Concession Operation 2

Future Concession Operations 2

1.3 CONTRACT SUMMARY 5

SECTION 2 - THE RFP PROCESS 7

2.1 PROPOSAL PROCESS 7

Tentative Proposal Dates 7

Optional Pre-Proposal Meeting..... 7

RFP Content Questions..... 7

Proposal Bond 8

Proposal Submission 8

Proposal Format & Content 9

Confidentiality of Proposals 9

Withdrawal of Proposals 9

2.2 EVALUATION PROCESS 10

Verification of Proposal Information..... 10

State’s Right to Reject Proposals, Waive Defects and Requirements 10

Supplemental Information..... 10

Proposal Evaluation..... 10

Contract Award Board 10

Contract Award..... 11

Protest of Award 11

2.3 CONTRACT EXECUTION 12

Preparation of Contract..... 12

Performance Bond and Insurance 12

Failure to Sign/Deliver Contract..... 12

Return of Proposer’s Bond 12

SECTION 3 - THE PROPOSAL 13

3.1 INSTRUCTIONS FOR THE CONCESSION PROPOSAL 13

 I. PROPOSER INFORMATION 13

 II. PROPOSAL INFORMATION 15

 III. PROPOSAL SUMMARY 19

 IV. CERTIFICATION OF PROPOSER INFORMATION 19

 V. PRIVACY NOTICE 19

3.2 PROPOSAL EVALUATION CRITERIA 20

3.3 PROPOSAL EVALUATION SHEET 22

3.4 CONCESSION PROPOSAL, DPR 398 24

SAMPLE CONCESSION CONTRACT 43

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.

Goal of this Request for Proposals (RFP)

The goal of this RFP is to award up to two (2) concession contracts to people or business entities to operate surf camps offering daily surfing lessons, which may include group lesson and/or private/semi-private lessons, related beach activities, and overnight camping. One contract will be offered for operation at San Elijo State Beach and one contract will be offered for operation at South Carlsbad State Beach. The term of each contract shall be five years with a five year option to renew, at the State's discretion.

Objectives of this RFP

The objectives of this concession opportunity are to:

- Provide quality services at reasonable prices to the public;
- Promote and instruct safe, enjoyable, and high-quality surfing lessons and beach-related recreational experiences for all park users.

1.2 GENERAL INFORMATION

Site Description

San Elijo and South Carlsbad State Beaches are located on the San Diego coast. The mild-temperature water and predictable waves make these beaches popular with swimmers and surfers. The mix of cobblestones and sand on the beach can vary greatly according to the season and tide. In winter the beaches tend to be dominated by cobblestones. Most of the beaches are backed by 30 to 100-foot tall, eroding, sandstone bluffs.

The South Carlsbad and San Elijo campgrounds are both elongated bluff-top camps that are extremely popular. San Elijo State Beach offers swimming, surfing, and picnicking. The narrow, bluff-backed stretch of sand has a nearby reef popular with snorklers and divers. South Carlsbad State Beach features swimming, surfing, skin diving, fishing, and picnicking.

Lifeguard Service

The concessionaire is responsible for requesting and paying for State lifeguard service during the Non-Peak Season (November 1st - February 28th) when the ratio of students to instructors exceeds 3:1. At any time during the term of this contract, if an injury or death of a concession staff or customer occurs during the execution of the terms of this

contract, Concessionaire shall maintain total liability. Any State lifeguard present on the beach at any time, whether hired by the concessionaire or State, is responsible for patrol of the entire State Beach property and the safety of all persons present. At no time shall said lifeguard be responsible solely for the concessionaire and the concession clients.

Current Concession Operation

Estimated annual attendance for the last four years is as follows:

	2002	2003	2004	2005
South Carlsbad SB	1,392,880	1,354,193	1,392,614	1,410,753
San Elijo SB	772,738	831,998	803,178	961,316

Gross sales and rental payments reported by the surf camp concessionaire at South Carlsbad State Beach for the last two years are as follows:

Contract Year (Oct. 1 – Sept. 30)	Gross Receipts	Rent to State
2004/05	\$151,867	\$30,000
2005/06	\$222,127	\$33,319

Gross sales and rental payments reported by the surf camp concessionaire at San Elijo State Beach for the last two years are as follows:

Contract Year (Oct. 1 – Sept. 30)	Gross Receipts	Rent to State
2004/05	\$155,445	\$31,089
2005/06	\$191,959	\$38,409

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.

Future Concession Operations

This RFP (#RFP-07-01) will result in up to two concession contracts for **overnight surf camps** at the locations listed in Table 1.2. Overnight camps permit camping by the concessionaire and class participants at the park unit, as well as daily group and/or private/semi-private surfing lessons.

A separate RFP (#RFP-07-02) will offer up to three contracts for **private and semi-private surf schools** at the locations listed in Table 1.2. Private/Semi-private lessons must have no more than 3 students per instructor and 9 students per class maximum.

See Table 1.2 for more details on each RFP and concession contract.

Table 1.2 - San Diego Coast Surf Camps/Schools RFPs Summary

San Diego Coast Surf Camps/Schools							
RFP #	Lesson Type	Contract #	Location	Maximum Student: Instructor Ratio	Lifeguard Requirements	Operation Restrictions	Minimum Rental Bid
RFP-07-01	Overnight	1	San Elijo State Beach	7 to 1	during non-peak when exceeds 3:1	No more than 14 students in the water, 28 students max	\$20,000 per year or 12% of gross sales, whichever is greater
RFP-07-01	Overnight	2	South Carlsbad State Beach	7 to 1	during non-peak when exceeds 3:1	28 students max.	\$20,000 per year or 12% of gross sales, whichever is greater
RFP-07-02	Private/ Semi-Private	1	Carlsbad State Beach (North of the Tierra Mar homes)	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.
RFP-07-02	Private/ Semi-Private	2	Frazee State Beach (aka Carlsbad SB North of Tower #9)	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.
RFP-07-02	Private/ Semi-Private	3	Silver Strand State Beach	3 to 1	none	Nine students max. No instruction weekends or holidays Memorial Day - Labor Day annually.	During June, July, and August: \$200 per month or 12% of gross receipts, whichever is greater. During all other months: 12% of gross receipts.

1.3 CONTRACT SUMMARY

Two different contracts are available for bid through this RFP. Each contract provides for operation at a different location under different operating requirements. Please refer to Table 1.2 for a summary of contract parameters and operating locations. It is critical that proposers be familiar with and fully understand all the terms and conditions of the Sample Concession Contracts (included herein). Your proposal should be based on the requirements of the contract for which you are bidding in its entirety. If a proposer is awarded a contract, the successful proposer has 30 days to review and sign the awarded contract. If you are the successful proposer, you will be expected to accept the provisions of the Sample Concession Contract as written. If necessary, minor clarifications that are non-material changes approved by staff counsel, the Department of General Services, and the Attorney General, may be made prior to contract execution. The intent of these contracts 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 the educational, natural, and cultural resources of the park. The term of each contract is for a period of five years (5) with an additional five (5) year option to renew at the State's discretion.

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

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

1. Operate a surf camp offering surfing instruction; other beach and water sports such as body surfing, body boarding, and volleyball; an interpretive (educational) program for surf students; and overnight camping at San Elijo or South Carlsbad State Beaches.
2. Adhere to the requirements of student to instructor ratios. No more than 7 students to 1 instructor at all times. During Non-Peak Season, when the ratio is greater than 3 students to 1 instructor, concessionaire must request and pay for State lifeguard services at a rate of \$20.00 per hour. Additionally, at anytime students are in the water, at least one American Red Cross Lifeguard certified instructor must be present and supervising the class. All instructors must hold Advanced First Aid and CPR certifications. The Peak Season is March 1st - October 31st. The Non-Peak Season is November 1st - February 28th.
3. Pay as annual rent the amount presented in the proposal, which, at a minimum, shall be the greater of twenty thousand dollars (\$20,000) or twelve percent (12%) of Gross Sales. In addition, pay \$500 per month for campsite use, \$750 per month for utilities and refuse disposal, and all fees for lifeguard service.
4. Maintain hours of operation that do not exceed 8 a.m. to one-half hour prior to sunset.
5. No more than 14 students allowed in the water at San Elijo State Beach at anytime. There is a maximum of 28 students total allowed at anytime at each beach.

6. Provide an Operation Plan and Interpretive Plan as specified in Proposal Instructions that clearly demonstrates the proposer's plan, which must include providing fully accessible services and facilities that comply with ADA guidelines. For the South Carlsbad State Beach contract, there is an added Facility Improvement Element requirement to install an electrical RV hookup at the Surf Camp site. Details of this requirement are specified in the Operation Plan section of the Proposal Instructions. The plans will become part of the contract subject to State review and approval.
7. Maintain the premises in good condition in accordance with Department standards and contract provisions.
8. Provide a continuing Performance Bond in the amount of ten thousand dollars (\$10,000), provide policies of liability and worker's compensation insurance with extended endorsements as required by the contract.
9. Pay federal, state, and local taxes as may be applicable to the operation of the concession, including possessory interest taxes, as required by the contract.
10. 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.
11. Comply with the letter and spirit of current and subsequent guidelines or plans, including General Plan amendments or updates, management and interpretive plans, and others.
12. Demonstrate compliance with labor laws as specified in the RFP.
13. All instructors must carry cell phones with SURCOM's number on speed dial as required by the contract.
14. All instructors whether on or off duty shall not consume or be under the influence of drugs or alcoholic beverages while on the Premises as defined by the contract.

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.

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

The State will award up to two (2) contracts as a result of this RFP process. One contract will be awarded for the operation of an overnight surf camp concession at San Elijo State Beach. A second contract will be awarded for the operation of an overnight surf camp concession at South Carlsbad State Beach. **Only one contract will be awarded per proposal.** Any proposer selected as the "Best Responsible Bidder" who declines a contract will be subject to forfeiture of their Proposer Bond as described below.

Tentative Proposal Dates

March 23, 2007.....	Opening Date - Publication of the RFP
April 11, 2007	Optional Pre-Proposal Meeting
April 23, 2007	Questions - Last date for proposers to submit written questions
May 10, 2007.....	Answers - DPR written responses to questions
June 12, 2007.....	Closing Date - Deadline for proposal submission
June - July 2007	Investigation and evaluation of Proposals
August 31, 2007	Notification of "Intent to Award Contract"
September, 2007	Award, preparation, and execution of contract
October, 2007.....	Five (5) year with Five (5) year option contract begins

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.

Optional Pre-Proposal Meeting

It is strongly recommended that you or your designated representative attend the optional pre-proposal meeting at 10:30 a.m. on April 11, 2007 at the San Diego Coast District, North Sector Office, 2680 Carlsbad Blvd., Carlsbad, California 92008. 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;
- Site Tour

RFP Content Questions

Questions regarding this RFP must be submitted in writing and received no later than 5 p.m. on April 23, 2007. 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, fax, or email at the addresses and phone number 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 State Parks
San Diego Coast District
4477 Pacific Highway
San Diego, California 92110
Attn: Donna Renner
Email: drenner@parks.ca.gov
Fax: 619-688-3229

Proposal Bond

Proposals must be accompanied by a Proposal Bond or cashier's check payable to the California State Parks, in the amount of two thousand dollars (\$2,000). Only one proposal bond is required when submitting multiple proposals. By submitting a proposal bond the proposer agrees that the bond or cashier's check will 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 within thirty (30) days after the contract has been fully executed including approval by the Attorney General's Office and the Department of General Services.

Proposal Submission

Your proposal, including the Proposal Bond, must be received by 2 p.m. on June 12, 2007 at:

California State Parks
San Diego Coast District
4477 Pacific Highway
San Diego, CA 92110

Or

California State Parks
Concessions, Reservations, and Fees Division
1416 Ninth Street, #1051
Sacramento, CA 95814

Proposers are responsible for providing adequate time for parking and completing the security check.

Proposal Format & Content

The proposal package must be sealed and clearly marked on the outside with “Proposal for San Diego Coast Overnight Surf Camp at San Elijo State Beach” or “Proposal for San Diego Coast Overnight Surf Camp at South Carlsbad State Beach”. A separate package must be submitted for each proposal. Failure to identify the park location of the contract for which you are proposing may cause your proposal to be disqualified. Please submit an original plus **five (5)** 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.

Submitting Multiple Proposals

Each of the two contracts will be awarded separately. Proposers interested in receiving multiple contracts shall submit a separate proposal (including an original and five (5) copies) for each concession contract. Only one proposal bond is required when submitting multiple proposals. If you are selected as a “Best Responsible Bidder” for more than one contract but wish to accept only one contract, you may withdraw your proposal from consideration for the contract of your choice without penalty or forfeiture of your Proposal Bond. However, if you fail to execute the remaining contract, your Proposal Bond may be retained by the State in accordance with the terms and conditions provided herein.

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 Public Records Act. 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 (California Government Code Section 6250 et seq.). 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 its refusal to disclose such material, trade secrets, or other proprietary information to any party.

Failure of a proposer to include this statement 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 may obtain credit reports and verify tax form information to further establish the qualifications of any proposer. 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.** Please refer to Section 3 for more information on completing the Concession Proposal form (DPR 398).

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 Bidder". 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 Bidder” in accordance with Section 5080.23 of the Public Resources Code. The “Best Responsible Bidder” will be the proposer 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 District Superintendent.

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, 11th 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 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 proposer's bond or cashier's check will be returned or 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 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 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 Proposal Evaluation Criteria in Section 3.2 and to the following information to complete the Concession Proposal form (DPR 398):

I. PROPOSER INFORMATION

A. Proposer Identification

Incumbent Factor

The incumbent concessionaire is defined as the individual, partnership, or corporation that currently operates the concession advertised in this RFP. Such concession operation must be at the same site, comprise the same type of operation(s), and provide substantially the same types of products and services as those specified in the RFP. Incumbent proposals are awarded points based on annual Performance Evaluations (DPR 531) performed by the State. Poor Performance Evaluations may result in negative point scores.

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, 1st 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.

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.

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, proposers must have a minimum of one (1) year 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.

D. Statement of Financial Capability

Proposers must present evidence satisfactory to the State demonstrating their ability to finance, operate, and maintain the concession 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(s) issued by a nationally recognized credit bureau within 60 days of the proposal due date. Said credit report(s) shall include proposer's credit score. 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 three references for each reference type required below. Proposers should notify their references in writing that a representative from the State will be contacting them.

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

- Financial References: Include your bank or savings and loan institution.
- Business References: Name government agencies or other organizations with whom you have done business and that can verify your performance and ability to fulfill contract obligations 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 Operation and Interpretive Plans that address 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 non-material elements of the Operation Plan to the satisfaction of the State and prior to the execution of the contract. 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. 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

Describe your plan and timeline for starting concession operation and providing a seamless transition in customer service.

Customer Service

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

Your employee policies and training program should include, but are not limited to, personnel policies; hiring practices; health and safety policies and procedures; business orientation; job training; and park orientation training. At anytime students are in the water, at least one American Red Cross Lifeguard certified instructor must be present and supervising the class. All instructors must be CPR and First Aid Certified. 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. Each concession staff member must be fingerprinted through the California Department of Justice's live scan process and results of said live scan must be on file with the State prior to work performed in association with this concession contract. Any persons with a report of criminal history, as identified by the live scan process, will be subject to review and approval by the State. Describe your policy regarding alcohol and drug use.

Marketing and Advertising

Your marketing and advertising plan should include, but is not limited to, proposed approaches, methodologies, media, advertising materials, schedules, and budget allocations. All advertising must promote San Elijo or South Carlsbad State Beaches, as appropriate.

Community Involvement

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

Provide a detailed description of the services to be provided by the concession operation. The services offered should meet or exceed the needs of the park users, and be compatible with and complimentary to the mission of the park.

Prices and Pricing Policies

Provide a price schedule for a representative sample of the services proposed. 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

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

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 American's with Disabilities Act of 1990 including Titles I, II, and III of that act, the Rehabilitation Act of 1973, and California Government Code Sections 4450 et. seq. and 7250.

Safety

Provide a Safety Plan that describes the role and qualifications of the concession's Safety Officer. The Plan should outline an Emergency Management Plan for handling emergency situations and should include a method for notifying the proper authorities and providing advanced medical care. The proposal should commit the Safety Officer to working with State Park Lifeguards and other law enforcement personnel in the development of a detailed Emergency Management Plan. The Safety Plan should describe the Safety Orientation, which will be given to all surf school participants and should include how to identify potential hazards and basic safe surfing techniques.

Facility Improvement (For South Carlsbad State Beach contract only)

Provide a plan, including costs, for the installation of a recreational vehicle (RV) power pedestal at the surf camp area of South Carlsbad State Beach. The location for the RV pedestal will be determined by a State Representative. In addition to this Facility

Improvement Element, the successful proposer must also adhere to the requirements as described in Paragraph 16 of the contract.

The Facility Improvement shall include, at a minimum, the following: (1) Provide electrical conduit, wiring and any other materials necessary to electrically energize the RV pedestal receptacles; (2) Remove 700 feet of existing #2 wire between the hand-hole nearest the main meter box and the hand-hole nearest the proposed pedestal location and replace with #2/0 wire; (3) trench approximately 150' between RV pedestal location and nearest hand-hole; (4) install conduit; (5) backfill and compact trench; (6) patch any asphalt removed (cold patch will be acceptable); and (7) provide concrete pad for RV pedestal per manufacturer's instructions. The above work shall be done by a licensed electrical contractor approved by the State.

The materials, at a minimum, shall be: (1) RV pedestal – Pad mounted, Milbank with 20/30/50 AMP receptacles, or equivalent; (2) No. 2/0 THHN or THWN or THW wire between hand-hole nearest the main meter box and the hand-hole nearest the RV pedestal location; (3) 1" PVC schedule 40 conduit between RV pedestal and nearest hand-hole; and (4) Any other material necessary for a properly functioning electrical system.

B. Facility Plan

No facility plan is required for this RFP. Please describe the facility improvement element of your concession in Section A, Operation Plan, "Facility Improvement (For South Carlsbad State Beach contract only)".

C. Interpretive Plan

The Interpretive Plan is an element of a concession. 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.

Interpretive Programs and Activities

Describe your plans for interpretive programs and activities. At a minimum, one interpretive program or demonstration per class is required. Interpretive program subjects must be relevant to the history and culture of surfing, the natural history of the California coast, or marine and coastal conservation. Appropriate interpretive programs include but are not limited to campfire programs, nature walks, surfboard design demonstrations, and discussion groups. Instruction and demonstration of surfing technique does not count towards the Interpretive Program requirement.

D. 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 should bid both the Rental Guarantee and the Percentage of Gross Sales as specified in the Concession Proposal form (DPR 398). For the purposes of this RFP, the

annual Rental Guarantee must be at least twenty thousand dollars (\$20,000) and the Percentage of Gross Sales must be at least twelve percent (12%).

E. Concession Feasibility

Document your ability to successfully initiate the proposed concession in a financially responsible manner, in accordance with the terms and conditions of the sample contract and your Operation and Interpretive Plans (as applicable). 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 the State the rental offered; and provide a reasonable return on your investment. Fiscal documentation that will be considered in awarding points 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.

III. PROPOSAL SUMMARY

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

IV. CERTIFICATION OF PROPOSER INFORMATION

A. Labor Law Compliance Certification

A request may be made to the National Labor Relations Board for information regarding Administrative 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.

B. Proposer Certification

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

C. 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 will be disqualified.

V. PRIVACY NOTICE

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

3.2 PROPOSAL EVALUATION CRITERIA

The following criteria will be used by the Contract Award Board to evaluate the responses provided by proposers in the Concession Proposal form (DPR 398).

Incumbent Preference

5 Points

Incumbent proposals are awarded points based on annual Performance Evaluations (See DPR 531 in the Sample Concession Contract) performed by the State as follows:

Overall Rating of Evaluation	Number of Years Rating Was Received	Points Awarded
“Excellent”	3 out of last 3 years	5 points
“Excellent” with no “needs improvement” or “unsatisfactory”	2 out of last 3 years	3 points
“Excellent” with no “needs improvement” or “unsatisfactory”	1 out of last 3 years	2 points
Satisfactory	3 out of last 3 years	1 point
“needs improvement” or “unsatisfactory”	1 out of last 3 years	- 1 point
“needs improvement” or “unsatisfactory”	2 out of last 3 years	- 3 points
“needs improvement” or “unsatisfactory”	3 out of last 3 years	- 5 points

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 prior to the close of this RFP.

Experience

20 Points

For the purposes of this RFP, proposers must have a minimum of one (1) year 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. Proposer shall be awarded greater points based on the degree to which they document “quality experience in providing similar services in a similar type of business.” In addition, points shall be awarded for documented quality experience contracting with public agencies.

Operation Plan

20 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 shall be awarded based upon the proposer’s demonstrated ability to implement the components of the plan. More points shall 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.

Interpretive Plan

10 Points

Points will be awarded based upon the degree to which the proposal demonstrates an understanding of the park’s interpretive programs and contributes to the overall interpretive messages of the park.

Rental Offer

40 Points

For the purpose of assigning points in the Proposal Evaluation, the highest acceptable* rental offer 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:

A. Rental Guarantee (Minimum bid is Twenty thousand dollars (\$20,000))

$$\frac{(\text{Bid Amount}) \text{ minus } (\$20,000)}{(\text{Highest Bid Amount}) \text{ minus } (\$20,000)} \times 15 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

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

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 25 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

*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.

3.3 PROPOSAL EVALUATION SHEET

PROPOSER: _____

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 N / A
- 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
 - Incumbent Preference _____ / 5 Points
 - Small Business Preference _____ / 5 Points
 - Experience _____ / 20 Points
- B. Proposal Information
 - Operation Plan _____ / 20 Points
 - Interpretive Plan _____ / 10 Points
 - Rental Offer _____ / 40 Points
 - Financial Feasibility _____ Pass/Fail*

GRAND TOTAL _____ / **100 Points**

Comments:

Board Member: _____ Date: _____

*** A “fail” rating in this category disqualifies the proposal.**

3.4 CONCESSION PROPOSAL, DPR 398

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

CONCESSION PROPOSAL

San Diego Coast Overnight Surf Camps

This Concession Proposal is submitted for the following Concession Contract:

(Please check the concession contract for which you are proposing. Choose only one. A separate Concession Proposal form must be submitted to bid on each contract.)

- San Elijo State Beach Overnight Surf Camp
- South Carlsbad State Beach Overnight Surf Camp

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

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

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>	NO. OF <u>SHARES</u>	GENERAL (G) or LIMITED (L)
			<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. BUSINESS INFORMATION, 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 CHARGES _____

OTHER LONG TERM ASSETS:

_____ _____
_____ _____

Total Long Term Assets _____

*** TOTAL ASSETS *** _____

(BUSINESS FINANCIAL STATEMENT- Continued)

LIABILITIES

Current Liabilities

ACCOUNTS PAYABLE (past due) _____

ACCOUNTS PAYABLE (current) _____

NOTES PAYABLE DUE WITHIN 1 YEAR:

To Whom Secured by

NOTES & ACCOUNTS PAYABLE TO PARTNERS,
DIRECTORS, OFFICERS, OR STOCKHOLDERS _____

ACCRUED LIABILITIES (interest, rental, payroll, etc.) _____

ACCRUED FEDERAL & STATE TAXES _____

OTHER CURRENT LIABILITIES:

Total Current Liabilities _____

Long Term Liabilities

NOTES PAYABLE DUE AFTER 1 YEAR:

OTHER LIABILITIES:

Total Long Term Liabilities _____

TOTAL LIABILITIES _____

NET WORTH

CAPITAL STOCK (if corporation) _____

OWNER CAPITAL _____

TOTAL NET WORTH _____

*** TOTAL LIABILITIES & NET WORTH *** _____

E. CREDIT WORTHINESS

(Attach additional pages as necessary.)

E. REFERENCES

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

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

- No Operation Plan Required
- Products, Merchandise, and Services
- Prices and Pricing Policies
- Conservation and Recycling
- Accessibility
- Other: Safety
- Other: Facility Improvement (So. Carlsbad only)
- Other: _____

B. FACILITY PLAN

- Furnishings Plan
- Capital Improvement Plan
- Maintenance and Housekeeping Plan
- Other: _____

- No Facility Plan Required
- Implementation Plan
- Cost(s) estimates.
- Other: _____

C. INTERPRETIVE PLAN

- Proposer's Relevant Experience
- Business' Interpretive Theme
- Interpretive Programs and Activities
- Diversity Outreach Plan
- Other: _____
- Other: _____
- Other: _____

- Business' Ambiance Plan
- Primary Education Plan
- Food Service Plan

No Interpretive Plan Required

D. RENTAL OFFER

- Minimum Rental Guarantee: _____ (minimum acceptable bid is \$20,000/year)
- Percentage of Gross Receipts as follows:
_____% of monthly gross sales (minimum bid is 12%)

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.*

FINANCIAL PROFORMA

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
GROSS PROFIT					
<u>Gross Sales</u>					
Total Gross Sales ⁽¹⁾					
<Less> Cost of Goods Sold ⁽²⁾					
TOTAL GROSS PROFIT					
OPERATING EXPENSES					
<u>Variable Operating Expenses</u>					
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:					
Total Variable Operating Expenses					
<u>Fixed Operating Expenses</u>					
Facility Improvements					
Equipment Purchases					
Amortization					
Depreciation					
Performance Bond					
Total Fixed Operating Expenses					
TOTAL OPERATING EXPENSES ⁽³⁾					
* NET INCOME * <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

PRINTED NAME

PHONE NUMBER

ADDRESS

CITY/STATE/ZIP CODE

III. PROPOSAL SUMMARY

(Attach separate 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 _
SIGNATORY'S PRINTED	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	

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.