

REQUEST FOR PROPOSALS
FOR
MILLERTON LAKE MARINA CONCESSION
AT
MILLERTON LAKE STATE RECREATION AREA



March 21, 2018

May 23, 2018

RFP# P17CA061

STATE OF CALIFORNIA – RESOURCES AGENCY
CALIFORNIA STATE PARKS
CONCESSIONS PROGRAM OFFICE
1416 NINTH STREET, 14TH FLOOR
SACRAMENTO, CA 95814



NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that the California State Parks (State) is now accepting proposals for the concession operation described below.

Concession Name:	Millerton Lake Marina
Park Unit:	Millerton Lake State Recreation Area
Proposal Closing Time & Date:	May 23, 2018, 2:00 PM
Proposal Submission Location:	Partnerships Office 1416 9 th Street, Room 1431 Sacramento, CA 95814
Concession Type:	Marina
Contract Term:	22 Years with optional 8 year extension for total of 30 years
Annual Minimum Rent Bid:	<p>Guaranteed annual rent of forty thousand dollars (\$40,000) or eight percent (8%) of gross annual receipts up to five hundred thousand dollars (\$500,000), plus ten percent (10%) of gross receipts exceeding five hundred thousand dollars (\$500,000), excluding fuel sales, whichever is greater, and two percent (2%) of fuel and oil sales</p> <p>Upon completion of an additional 170 boat slips or beginning with contract year six (6): whichever occurs first; minimum guaranteed annual rent of fifty thousand dollars (\$50,000) or ten percent (10%) of gross receipts, excluding fuel and oil sales, whichever is greater and two percent (2%) of fuel and oil sales</p>
Concessionaire Capital Outlay:	Two million dollars (\$2,000,000)
Facility Maintenance Account:	Two percent (2%) of gross receipts
Proposal Bond (due at time of proposal submission):	Five thousand dollars (\$5,000)
Performance Bond (due at time of Contract execution):	One (1) year's minimum annual rent as bid
Proposer's Minimum Years of Relevant Experience:	Five (5) years
Optional Pre-Proposal Meeting:	April 3, 2018, 1:00 PM

For more information or to purchase a copy of the complete RFP, contact Anne Davigeadono at (916) 653-8939 or anne.davigeadono@parks.ca.gov


Lisa Ann L. Mangat Director

TABLE OF CONTENTS

NOTICE OF REQUEST FOR PROPOSALS	II
SECTION 1 - PROJECT SUMMARY	1
1.1 GOAL & OBJECTIVES	1
<i>California State Parks Mission</i>	<i>1</i>
<i>Millerton Lake State Recreation Area Statement of Purpose</i>	<i>1</i>
<i>Goal of this Request for Proposals (RFP)</i>	<i>1</i>
<i>Objectives of this RFP</i>	<i>1</i>
1.2 GENERAL INFORMATION	1
<i>Site Description</i>	<i>1</i>
<i>Historical Significance</i>	<i>2</i>
<i>Current Concession Operation</i>	<i>2</i>
<i>Future Site Plans</i>	<i>3</i>
1.3 CONCESSION CONTRACT SUMMARY	3
SECTION 2 - THE RFP PROCESS	6
2.1 PROPOSAL PROCESS	6
<i>Tentative Proposal Dates</i>	<i>6</i>
<i>Optional Pre-Proposal Meeting</i>	<i>6</i>
<i>RFP Content Questions</i>	<i>6</i>
<i>Proposal Bond</i>	<i>7</i>
<i>Proposal Submission</i>	<i>7</i>
<i>Proposal Format & Content</i>	<i>7</i>
<i>Confidentiality of Proposals</i>	<i>7</i>
<i>Withdrawal of Proposals</i>	<i>8</i>
2.2 EVALUATION PROCESS	8
<i>Verification of Proposal Information</i>	<i>8</i>
<i>State's Right to Reject Proposals, Waive Defects and Requirements</i>	<i>8</i>
<i>Supplemental Information</i>	<i>8</i>
<i>Proposal Evaluation</i>	<i>9</i>
<i>Concession Contract Award Board</i>	<i>9</i>
<i>Concession Contract Award</i>	<i>9</i>
<i>Protest of Award</i>	<i>9</i>
2.3 CONTRACT EXECUTION	10
<i>Preparation of Contract</i>	<i>10</i>
<i>Performance Bond and Insurance</i>	<i>10</i>
<i>Failure to Sign/Deliver Contract</i>	<i>10</i>
SECTION 3 - THE PROPOSAL	10
3.1 INSTRUCTIONS FOR THE CONCESSION PROPOSAL	10
I. PROPOSER INFORMATION	11
II. PROPOSAL INFORMATION	14
III. PROPOSAL SUMMARY	18
IV. CERTIFICATION OF PROPOSER INFORMATION	18
V. PRIVACY NOTICE	18
3.2 PROPOSAL EVALUATION CRITERIA	19
3.3 PROPOSAL EVALUATION SHEET	21
3.4 CONCESSION PROPOSAL, DPR 398	23

SECTION 1 - PROJECT SUMMARY

1.1 GOAL & OBJECTIVES

California State Parks Mission

The mission of California State Parks 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.

Millerton Lake State Recreation Area Statement of Purpose

The purpose of Millerton Lake State Recreation Area, above Friant Dam on the San Joaquin River in Fresno and Madera Counties, is to provide outdoor recreational opportunities, enhanced by the lake, the river, and their shorelines, compatible with surrounding scenic, environmental, and cultural resources of the unit.

Goal of this Request for Proposals (RFP)

The goal of this RFP is to award a concession contract to an individual or business entity to develop, operate, and maintain a marina concession to enhance the park visitor recreational and educational experience at Millerton Lake SRA. The contract term will be 22 years with an optional eight 8 year extension, for a total of 30 years, contingent upon the renewal of the State's operational control of the premises by the Department of the Interior, Bureau of Reclamation.

Objectives of this RFP

The successful proposer must demonstrate the ability and clear commitment to implement a concession operation that will meet the following objectives:

- Develop, operate, equip and maintain a high quality full service marina concession;
- Provide the park visitor with high-quality slip rentals, fuel sales, and boating and recreation related goods and services at reasonable prices;
- Provide boat towing services, including on-call 24 hour emergency towing;
- Improve the concession premises to ensure full compliance with the Americans with Disabilities Act (ADA) and all State and Local Government accessibility regulations;
- Be responsive to the needs of the local community as well as the needs of statewide constituencies;
- Provide reasonable financial compensation to support the State, including the park operations and interpretive activities

1.2 GENERAL INFORMATION

Site Description

Millerton Lake State Recreation Area (SRA) is located 20 miles northeast of Fresno off Highway 41 and an equal distance east from Madera off Highway 145. The lake is created by the Friant Dam, which captures the San Joaquin River creating the popular recreation area. At high levels, the lake has approximately 4,900 acres of water surface, 3,290 acres of land, and 47 miles of river and lake shore.

The marina at Millerton Lake SRA is located in Winchell Cove. It consists of 330 slips and a small store providing food, beverages and supplies. Recreational activities at Millerton Lake SRA include hiking, picnicking, boating, biking, waterskiing, sailing, fishing and camping. The north shore has 148 developed campsites, 27 of which have electricity hookups. The lake offers three boat launch ramps and Temperance Flat has 12 boat camping sites. The current marina concession offers year round and month-to-month slip rentals, boat rentals and fuel sales. The marina sustained substantial damage in recent years during winter storms, which reduced the number of slips from over 500 to 330. The current concession contract expired in 2007 and remains on month-to-month status due to the expiration of the operating agreement between the Department and the Bureau of Reclamation.

Both Fresno County and Madera County's populations are expected to grow by at least 50% by 2060, according to the California Department of Finance¹. The Fresno Bee² reports approximately 6,800 new homes received approval in 2016 to be built in two new subdivisions in Friant, CA, directly adjacent to Millerton Lake SRA. The surrounding counties of Madera and Fresno received county approval in 2016 to build more than 30,000 new homes.

Historical Significance

Several groups of Northern Foothill Yokuts lived in the rolling grasslands and woodlands of the Millerton Lake SRA region for thousands of years. The women were known for crafting beautiful baskets used for utilitarian and ceremonial purposes. The men harvested acorns, hunted game, and were especially skilled at fishing for salmon. Their lives were altered by the intrusion of settlers who brought diseases, depleted their food sources and displaced their villages. Conflicts between the Yokuts and the settlers ultimately led to the Mariposa Indian War, which ended in 1851 with the signing of a peace treaty at the US Military encampment known as Camp Barbour.

Camp Barbour, now beneath Lake Millerton, was built in 1850. A tent city called Rootville, later changed to Millerton, sprang up and quickly prospered. It served as the Fresno County seat from 1856 to 1874. The area's only courthouse was built in 1867 and later dismantled and reconstructed on its present site at Mariner's Point to protect it from rising floodwaters.

Current Concession Operation

The gross sales and rent for the last five years as reported by the current concessionaire is as follows:

<u>Fiscal Year</u>	<u>Visitation</u>	<u>Gross Receipts</u>	<u>Rent to State</u>
2015/16	662,989	\$255,532	\$24,335
2014/15	572,146	\$334,191	\$24,525
2013/14	541,258	\$320,014	\$43,007
2012/13	601,923	\$373,427	\$29,329
2011/12	473,578	\$430,207	\$43,389

¹ California Department of Finance. *State Population Projections (2010-2060)*. Sacramento: 2017
www.dof.ca.gov/Forecasting/Demographics/Projections/

² Benjamin, Marc and Bonhia Lee. "New Homes just the Beginning for Madera County Growth." *Fresno Bee*, January 23, 2016.

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 Site Plans

Millerton Lake SRA will continue to be a premier destination for aquatic recreation, offering visitors of all ages and abilities access to a wide range of outdoor recreational pursuits. Opportunities and settings will range from the easy access and social atmosphere of developed areas to the solitude and wildness of primitive areas. Visitors will continue to experience the calm, open waters and picturesque views of the Sierra Nevada Foothills.

The Millerton Lake SRA General Plan, adopted in May 2010, states “All concession opportunities that enhance visitor services and assist State Parks in fulfilling the mission for the unit will be considered”. In addition to this, the plan calls for continued public education and interpretive programs to emphasize both natural and cultural resources at Millerton Lake SRA as well as water conservation and resource protection. Public education and interpretation of the park’s many resources will continue in a variety of ways and venues giving visitors a natural and historic context to build a stewardship ethic.

1.3 CONCESSION CONTRACT SUMMARY

This twenty two (22) year with optional eight (8) year extension concession contract will provide for the development, maintenance, and operation of a marina at Millerton Lake SRA. The marina operation shall include boat slip rentals, dry boat storage, a sewage pump-out facility, fuel sales, boat tow services, and a camper and boater supply store. Optional services include boat, personal watercraft, and watersports rentals and the operation of a floating or land based restaurant, upon approval by State. The intent of the contract is to provide the public with high quality, reasonably priced services in a manner and atmosphere that enhances the visitor’s experience and the interpretive, natural, and cultural resources of the park.

The following is a summary of important concession contract provisions. It is critical for proposers to understand all the terms and conditions of the Sample Concession Contract included herein. If a proposer is awarded a concession contract, the successful proposer has 30 days to review and sign the awarded concession contract. The successful proposer shall be expected to accept the provisions of the Sample Concession Contract as written. If necessary, minor clarifications, approved by State staff counsel, the Department of General Services, and the Attorney General, may be made prior to the concession contract execution.

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

1. Develop, equip, operate and maintain a marina concession offering high quality boating and recreational goods and services including, but not limited to, boat slip rentals, fuel and oil sales, sewage pump-out facility, boat towing services and retail space for groceries and boating supplies.
2. Pay as annual rent the amount presented in the proposal, which, at a minimum, shall be forty thousand dollars (\$40,000) or eight percent (8%) of gross annual receipts up

to five hundred thousand dollars (\$500,000), plus ten percent (10%) of gross receipts exceeding five hundred thousand dollars (\$500,000), excluding fuel sales, whichever is greater, and two percent (2%) of fuel and oil sales; plus two percent (2%) of gross receipts for maintenance of marina facilities.

Upon completion of an additional 170 boat slips or beginning with contract year six (6): whichever occurs first; minimum guaranteed annual rent of fifty thousand dollars (\$50,000) or ten percent (10%) of gross receipts, excluding fuel and oil sales, whichever is greater and two percent (2%) of fuel and oil sales.

3. Invest a minimum of two million dollars (\$2,000,000) by the end of contract year five (5) in the construction, development and/or rehabilitation of the marina complex. At a minimum, improvements must include:
 - Increasing boat slips to a minimum of 500 but no more than 700
 - Installation of a sewage pump-out station (the California Division of Boating and Waterways offers grants for up to 75% of the installation cost of sewage pump-out facilities which may be available for this project)
 - Maximization of dry boat storage including consideration of additional boat and trailer storage opportunities and technologies
 - Replacement of the marina office

Note: All marina floating facilities including docks, fuel dock, courtesy dock, necessary connector floats and ramps, and marina cabling and anchoring systems shall be considered personal property for the duration of the contract. Upon termination of the contract, all facilities including title to all real property improvements shall vest with State.

4. Implement the Operation Plan and Facility Improvement Plan as described in Proposal Instructions that clearly demonstrates the proposer's plan to provide accessible services and facilities that comply with Federal, State, and Local accessibility guidelines. The plans will become exhibits of the final concession contract subject to State review and approval.
5. Maintain the premises, including entrance gate, roads, facilities, furnishings, and equipment in good condition in accordance with State standards and concession contract provisions.
6. Provide a continuing Performance Bond in the amount of one year's minimum annual rent as bid, with CPI adjustments.
7. Pay for all taxes applicable to the operation of the concession, including possessory interest taxes, and all utility services as required by the concession contract.
8. Provide commercial general liability, worker's comp, watercraft liability, and property insurance as required by the concession contract.
9. Obtain all necessary licenses, permits, and approvals as set forth in the concession contract and abide by all applicable health, safety, and environmental codes and regulations.

10. Comply with the letter and spirit of current and subsequent guidelines or plans, including Park Unit General Plan amendments or updates, management and interpretive plans, historic structure reports, and others that may apply.
11. Demonstrate compliance with labor laws as specified in the RFP.

The successful proposer will not:

1. Provide sales 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 State.

Note: This concession 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

March 21, 2018	Opening Date - Publication of the RFP
April 3, 2018	Optional Pre-Proposal Meeting
April 18, 2018	Questions - Last date for proposers to submit written questions
May 2, 2018	Answers - DPR written responses to questions
May 23, 2018	Closing Date - Deadline for proposal submission
June-July 2018	Investigation and evaluation of Proposals
September 2018	Notification of "Intent to Award Contract"
October 2018	Award, preparation, and execution of contract
November 2018	22 year with optional 8 year extension 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 concession contract be protested, additional time will be required to resolve the matter.

Optional Pre-Proposal Meeting

It is strongly recommended that the proposer or designated representative attend the optional pre-proposal meeting at 1:00 PM on April 3, 2018 at the Millerton Lake SRA Courthouse, 5290 Millerton Rd, Friant, CA 93626. The meeting provides an equitable forum for all proposers to:

- Meet local State staff;
- Learn about the RFP process, including procedures for questions and answers, proposal submission, and concession contract award;
- Inspect the concession site and receive information on the park and facility history and State 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 April 18, 2018. To ensure fair competition, all proposers will receive the same information and materials; no telephone or personal inquiries about this RFP will be answered. Questions will be submitted in writing to the State by email, mail or fax at the address listed below. A written compilation of all questions and answers, and any RFP addenda, will be posted at www.parks.ca.gov/concessions and emailed 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:

Anne Davigeadono
anne.davigeadono@parks.ca.gov
Fax: 916-657-1856
California State Parks
1416 Ninth Street
Room 1442-7
Sacramento, CA 95814

Proposal Bond

Proposals must be accompanied by a Proposal Bond or cashier's check payable to the State of California, California State Parks, in the amount five thousand dollars (\$5,000). By submitting a proposal bond the proposer agrees that the bond may be cashed and retained by the State. If a cashier's check is submitted it will be cashed by the State. In the event the proposer fails to execute the concession contract, the bond or cashier's check will be retained by the State. Further, by submitting a proposal, proposer agrees that the State will suffer costs and damages not contemplated otherwise should proposer be awarded the concession contract but fail to execute and proceed with the concession 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 concession contract upon notification of award by the State. Bonds will be returned to all proposers once the concession contract is signed by the best responsible bidder.

Proposal Submission

The proposal, including the Proposal Bond, must be received by 2:00 PM on May 23, 2018 at:

California State Parks
Partnerships Office
1416 Ninth Street, Room 1431
Sacramento, CA 95814

Proposal Format & Content

The proposal package must be sealed and clearly marked on the outside with "Proposal for Marina at Millerton Lake SRA". Please submit an original plus **seven (7)** copies of the proposal in 8.5" x 11" three-ring binders. All material should be presented in an 8.5" x 11" portrait format with tabs for each section. Larger formatted graphic exhibits are acceptable if folded to fit within the 8.5" x 11" three-ring binder.

Confidentiality of Proposals

All proposals submitted 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 clearly identify in writing, within the body of the proposal, all copyrighted material, trade secrets, or other proprietary information the proposer claims are exempt from disclosure under the Public Records Act, this includes denoting where the confidential material begins, ends, and the specific reason(s) for the exemption. 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. Proposer acknowledges and understands that State may release information in the proposal claimed by proposer to be exempt from disclosure under the Public Records Act, and that proposer waives any claims against the State for this release.

Failure of a proposer to include this statement and/or identify in writing the claimed exempt material, as set forth above, shall be deemed a waiver of any exemption from disclosure under the Public Records Act. In the event of a protest to State's intent to award a concession contract, State may, in its sole discretion, release any or all of the contents of the proposals to the proposers for purposes of hearing the protest. Otherwise, proposer requests to review proposal submissions will not be allowed until after a fully executed concession contract is signed and approved 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 State. 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 passed, 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. 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 State 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 concession contract award. The State may obtain credit reports and/or make background inquiries to further establish the qualifications of any proposer. Proposers may be required to make a presentation to 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. Upon receipt of more than one proposal for this concession contract, a 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 Sheet. **Proposals not containing all of the items in the Concession Proposal form (DPR 398) may be rejected.**

Concession Contract Award Board

Upon receipt of multiple proposals, Concession Contract Award Boards are appointed by the Director of the California State Parks, 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 concession 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 or the private sector.

Concession 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. In the event of only one proposal for this concession contract, the State may award the contract upon determination the one proposal passes each of the required RFP elements. 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. In the event the State does not identify a "Best Responsible Proposer" through the bid process, the State may negotiate a concession contract under the provisions of Public Resources Code Section 5080.16.

Protest of Award

Based on California Code of Regulations, Title 14, Division 3, Chapter 3, Section 4400 and California State Parks policy, within ten (10) days after the State has issued a notice of intent to award a concession contract for a term in excess of two (2) years following a request for proposals or invitation to bid, any proposer/bidder may file a written statement of protest against awarding of the contract with the Director of the California State Parks. The statement shall be signed by the protestor, shall specify the grounds for the protest and may include a demand for a hearing. 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 State Parks
1416 Ninth Street, 14th Floor
P. O. Box 942896
Sacramento, California 94296-0001
Fax: 916-657-3903

A copy of the protest must be served on the Attorney General within the ten-day period by the proposer/bidder. Serve the Attorney General at:

State of California
Department of Justice
Office of the Attorney General
Land Law Section
1300 I Street
Sacramento, California 95814
Fax: 916-322-5609

If a protest is timely served and a hearing is demanded, or if the Director on his or her own motion orders a hearing, proceedings shall be conducted according to the Administrative Procedure Act, and the protest statement shall be treated as a Statement of Issues (Govt. Code 110504). Issues not raised in the protest statement are deemed waived. The filing of a protest does not prevent the State from awarding the contract.

Any recommendation or decision of the hearing officer shall be submitted to the Director for approval, adoption, modification, disapproval, or other interlocutory or final action. If a hearing is not so demanded or ordered, the action of the Director 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 Improvement, 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 concession 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.

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 the proposal. Proposer must complete all sections, respond to all questions, and fill in all blanks of the form. Inapplicable questions or blanks should be

marked “N/A” or “Not Applicable”. Failure to properly complete the form may disqualify the proposal. If the proposal receives a “disqualify” under Level I or Level II requirements listed within RFP Section 3.3 Proposal Evaluation Sheet, the proposal will be disqualified from further consideration.

The proposal must be clear and unambiguous. It should clearly commit the proposer to enter into a contract with the State to provide the services and other concession improvements as required by this RFP and offered in the proposal. Financial commitments must be made and conditional only on contract execution.

The submission of a proposal shall be deemed evidence that the proposer is 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.

I. PROPOSER INFORMATION

A. Proposer Identification

Incumbent Factor

The incumbent concessionaire is defined as the individual, partnership, limited liability company 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 periodic 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. To claim this preference, proposals must include a copy of the Small Business Certification and Office of Small Business (OSB) identification number. To ensure a certifiable document, applications should be submitted to OSB well before the proposal closing day and properly identify a business type consistent with this RFP. It is the proposer’s responsibility to contact OSB to verify the completeness of the application. Incomplete documents are not certifiable. Proposers may obtain an application for Small Business Certification from:

Office of Small Business and DVBE Certification
707 Third Street, 1st Floor, Room 400
PO Box 989052
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 fifteen million dollars (\$15,000,000) or less over the previous three (3) tax years, or a manufacturer with 100 or fewer employees.

A non-profit organization may qualify for the same preference points as a small business if registered with the Office of Small Business.

B. Business Information

Select the type of business that describes the proposing entity (Sole Proprietorship, Partnership, Joint Venture, Limited Liability Company or Corporation) and provide the requested information. The type of business must be established prior to submitting a proposal.

- Corporations shall include a copy of the Articles of Incorporation with the California Secretary of State seal, and a board resolution to authorize the concession proposal and identify the individual authorized to act on behalf of the corporation.
- Limited Liability Companies (LLC) shall include a copy of their Articles of Organization with the California Secretary of State seal (LLC-1 or LLC-5) and the Statement of Information (LLC-12) to identify the managing member or members of the organization.
- Partnerships shall include a copy of the Partnership Agreement which clearly describes the role of each partner.

C. Individual Information

This section must be completed by each individual, partner, and member of joint ventures; CEO, officers, and holders of 25% or more of the company's shares for corporations; concession manager; and the managing member(s) of the organization identified on the LLC-12 for a limited liability company. The aforementioned identified individual(s) must also complete and sign the Authorization to Release Information in Section IV.

Experience

For the purpose of this RFP, proposers must have a minimum of five (5) years' experience owning, managing or operating a business of similar type, size and scope as the concession operation set forth and described in this RFP. Proposals with less than the minimum experience will be disqualified.

Provide a narrative describing in detail the duration, extent, and quality of the proposer's education and business experience with special emphasis on the experience and qualifications related to the subject concession. Be specific with respect to the type and dates of experience, the proposer's 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 an ability to successfully operate the proposed concession. Attach additional information as needed.

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. For the purposes of this RFP, proposers must have the ability to access a minimum of two million dollars (\$2,000,000). The proposer's 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 the business will use to undertake the project as proposed. If the development will be funded by outside sources (i.e., parent company, third party, LLC partners, etc.), proposal must include documentation, such as a recent bank statement, balance sheet, income statement, or other supporting documents to demonstrate these funds are available, and a signed statement that these funds are unconditionally committed to this concession project. If funds are to be borrowed to finance any portion of the total investment, proposer 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: The Business Financial Statement is intended to describe the condition of the proposer's current business, including assets, liabilities, and net worth. A complete and accurate Business Financial Statement will reflect assets equal to liabilities plus net worth. Round figures to the nearest dollar. If the business is a partnership or joint venture, each general partner or joint venturer must individually submit a Business Financial Statement. Proposers may provide copies of forms filed with the Internal Revenue Service, Franchise Tax Board or statements prepared by a Certified Public Accountant in support of information contained in this statement.

E. Credit Worthiness

Proposers must present evidence of credit worthiness. At a minimum, this shall include a complete credit report from a nationally recognized credit bureau, such as Equifax or Experian, issued within 60 days of the proposal due date and include the FICO score for sole proprietors, each partner within a partnership, and managing member of an LLC. Corporations shall provide the report from a recognized agency such as Dun and Bradstreet (D&B). Any derogatory information listed on said reports must be explained. Below average FICO scores, outstanding debts, delinquent payment history on current concession contracts, and any other negative credit history may disqualify a proposal.

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. Proposers should submit one reference for each reference type required below. However, to adequately substantiate the claims made in the proposal, proposers are encouraged to provide three references that are familiar with the individual and business. Proposers should notify their references in writing that a representative from the State will be contacting them.

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

- Financial References: Include the bank or savings and loan institution.
- Client or Business References: Name clients or other persons that most accurately reflect the business performance and ability to fulfill contract obligations with other entities for the provision of goods and services.

- Vendor References: Proposers should provide vendor references if they are a pre-existing business currently utilizing vendors.

II. PROPOSAL INFORMATION

Provide an Operation Plan and Facility Improvement Plan that addresses each of the checked elements in the Concession Proposal form (DPR 398). Each element of the Concession Proposal is described below. Proposers may submit additional information to describe and enhance their proposal.

As a condition of the contract award, the successful proposer may be required to revise or further develop these plans to the satisfaction of the State and prior to the execution of the contract. If and when it is accepted, the final plans will be incorporated as exhibits to the contract and become an obligation of the concessionaire.

A. Operation Plan

The Operation Plan should address the following elements and must demonstrate an understanding of and commitment to achieving the objectives of this RFP. The proposal must also adhere to the operational requirements as described in the Sample Concession Contract.

Vision/Mission Statement

Provide a Vision/Mission Statement that captures both State's mission and proposer's goals and objectives for the concession business.

Organizational Structure

Provide an organization chart and staffing plan that can guide the operations and ongoing management of the concession business. The plan should identify the proposed concession manager; position titles and salaries for all job classifications with a summary of the required job skills, qualifications and duties; and the number of existing or proposed employees in each job classification to support the operation.

Transition/Business Start-Up

Provide a plan and timeline for starting concession operation and providing a seamless transition in customer service. This plan shall consider provisions for the retention of employees of an existing concessionaire who may become displaced during the transition to a new concession operator.

Maintenance and Housekeeping

Provide a comprehensive plan to maintain the concession facilities in a first-class condition throughout the term of the contract. The maintenance plan must describe staffing noting required skills or qualifications, any subcontracted services housekeeping and maintenance schedules, and annual budget allocation.

Customer Service

Describe a clear commitment to successfully implement an effective customer service program. The 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

Describe personnel policies and training program for all employees including, but not limited to, hiring practices; probationary period; health, safety, and grievance policies and procedures; performance monitoring; uniform requirements; business orientation; job training; and park orientation training. Such programs must provide sufficient staffing with the skills and knowledge to ensure the provision of high-quality services, as well as, the ability to respond to public inquiries regarding state parks in the area and answer basic questions about the park's interpretive themes.

Marketing and Advertising

Describe proposed marketing and advertising methods; identify media sources and sample advertising materials, schedules, brochures, signage; and specify an annual marketing budget allocation. Favorable consideration will be given to proposals that identify focused efforts to increase visitors from California's multi-ethnic populations.

Community Involvement

Describe commitment to create added value and benefits to the surrounding community and park visitors. This may include special events, educational programs, and community service activities. In addition, proposer should identify any special skills, knowledge, and resources needed and available to implement the plan.

Products, Merchandise, and Services

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

Prices and Pricing Policies

Provide a price schedule for a representative sample of the proposed products and services. Prices and pricing policies should provide park visitors with quality products at reasonable prices considering the competition of comparable markets for similar products, services and the cost of doing business. Price schedule should include:

- Slip rental fee schedule
- Prices of proposed products and services
- Explanation of the process used to establish prices

Conservation and Recycling

Outline the proposer's 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. The plan should clearly commit proposer to a program that will minimize negative impacts on the environment and encourage park visitors to do the same.

Accessibility

Describe commitment to ensure that visitors with disabilities will have access to all of the events and 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. Additional accessibility

resources are available at www.ada.gov; www.parks.ca.gov/?page_id=21944 (State Parks Accessibility Program); and www.parks.ca.gov/?page_id=22651 (All Visitors Welcome handbook).

Healthy Foods Initiative

Describe commitment to promote a healthy lifestyle in an environmentally-sustainable manner. Proposers should consider providing traditional menu items either updated to conform to the State's healthy food requirements, or the addition of healthy food menu options.

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.

B. Facility Improvement Plan

The Facility Improvement Plan should address the following elements and meet or exceed the objectives of this RFP to provide high-quality and accessible facilities. Greater consideration will be given to those proposals that clearly demonstrate an ability to implement the plan. In addition, the successful proposer must adhere to the facility requirements as described in the Sample Concession Contract.

Furnishings

Describe the intended physical facilities of the concession including furnishings, equipment, décor, and layout. Implementation of proposer's plan should provide first-class concession facilities that are consistent with park values and will enhance visitor services at the park.

Facility Development

Describe proposed facility improvements to meet or exceed the minimum requirements to develop and rehabilitate a marina concession complex that includes 330 metal boat slips, docks, and facilities for boating related services and retail sales. At a minimum this shall include:

- An investment of two million dollars (\$2,000,000) by the end of contract year five (5)
- Increase boat slips to a minimum of 500 but no more than 700
- Installation of a sewage pump-out station (the California Division of Boating and Waterways offers grants for up to 75% of the installation cost of sewage pump-out facilities which may be available for this project)
- Maximization of dry boat storage including consideration of additional boat and trailer storage opportunities and technologies
- Replacement of the marina office

Optional facility improvements may include:

- Construction of a land based or floating restaurant

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. Proposer may submit lists, drawings, pictures, timelines and diagrams to illustrate and clarify the plans.

Accessibility

Describe the proposer's plan to remove any identified physical barriers to accessibility. Include a description of the barriers identified, the means used to identify barriers and a timeline for the removal of said barriers.

Implementation

Provide a timeline for completion of any capital improvements and installation of said décor and equipment prior to the commencement of operations and a description of each step in the process.

Cost Estimates

Provide a cost breakdown for the Facility Improvement Plan, including furnishings.

As a condition of the concession contract award, the successful proposer may be required to revise or further develop the Facility Improvement Plan to the satisfaction of the State and prior to the execution of the concession contract. After the State's review and approval, the Facility Improvement Plan from the successful proposal shall be included as an exhibit to the concession contract

C. Rental Offer

The concessionaire will be required to pay as annual rent a minimum guaranteed amount of forty thousand dollars (\$40,000) or eight percent (8%) of gross annual receipts up to five hundred thousand dollars (\$500,000), plus ten percent (10%) of gross receipts exceeding five hundred thousand dollars (\$500,000), excluding fuel sales, whichever is greater, and two percent (2%) of fuel and oil sales; plus two percent (2%) of gross receipts for maintenance of marina facilities.

Upon completion of an additional 170 boat slips or beginning with contract year six (6), whichever occurs first: minimum guaranteed annual rent of fifty thousand dollars (\$50,000) or tent percent (10%) of gross receipts, excluding fuel and oil sales, whichever is greater and two percent (2%) of fuel and oil sales.

Proposers shall bid both the Rental Guarantee and the Percentage of Gross Sales as specified in the Concession Proposal form (DPR 398). Any offer below the minimum rent requirements will result in proposal disqualification.

E. Concession Feasibility

Complete the Concession Development Cost Estimate, Proposed Means to Finance Concession, and the Financial Proforma with projections for the duration of the proposed contract term to demonstrate proposer's ability to successfully initiate and operate the proposed concession in a financially responsible manner. Fiscal documentation that will be considered to receive a pass include the financial proforma; the business financial statement; business, vendor, bank, and/or financial references; credit worthiness; and similar documents necessary to support the proposal commitments. The financial projections should consider the commitments made within the Operation and Facility Improvement Plans. Upon receiving a "pass" under Level II, concession feasibility will be further evaluated under Level III in relation to the Operation Plan and Facility Improvement Plan commitments.

III. PROPOSAL SUMMARY

The Proposal Summary should summarize relevant experience, knowledge, and expertise, and the Operation and Facility Improvement Plans 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. Proposer 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 the proposal will be disqualified.

B. Proposer Certification

A completed certification must be included with the proposal or it may 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 may be disqualified.

V. PRIVACY NOTICE

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

3.2 PROPOSAL EVALUATION CRITERIA

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. The absence of Performance Evaluations defaults to a rating of “Excellent.”

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

Experience

15 Points

For the purposes of this RFP, proposers must 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 are awarded for experience contracting with public agencies.

Operation Plan

25 Points

A maximum of twenty five (25) points will be awarded based upon the degree to which the proposal addresses each of the elements described in Section II Proposal Information and identified in the DPR 398, Concession Proposal.

Facility Improvement Plan

25 Points

A maximum of twenty five (25) points will be awarded based upon the degree to which the proposal addresses each of the elements described in Section II Proposal Information and identified in the DPR 398, Concession Proposal.

Rental Offer**25 Points**

For the purpose of assigning points in the Proposal Evaluation, the highest acceptable rental offer* for each category of rent required (Rental Guarantee and Percentages of Gross Sales) 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:

Rental Guarantee (Minimum bid is \$40,000)

$$\frac{(\text{Bid Amount}) \text{ minus } (\$40,000)}{(\text{Highest Bid Amount}) \text{ minus } (\text{Guaranteed Rent})} \times 6 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales up to \$500,000 (Minimum bid is 8%)

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 4 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales in Excess of \$500,000 (Minimum bid is 10%)

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 3 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Fuel and Oil Sales (Minimum bid is 2%)

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 1 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Upon completion of an additional 170 boat slips or beginning contract year 6:

Rental Guarantee (Minimum bid is \$50,000)

$$\frac{(\text{Bid Amount}) \text{ minus } (\$50,000)}{(\text{Highest Bid Amount}) \text{ minus } (\text{Guaranteed Rent})} \times 6 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales (Minimum bid is 10%)

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 4 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Fuel and Oil Sales (Minimum bid is 2%)

$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 1 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

*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

LEVEL I COMPLIANCE WITH RFP REQUIREMENTS

PROPOSER QUESTIONNAIRE

I. PROPOSER INFORMATION

- A. Proposer Identification _____ (pass/disqualify)
- B. Business Information _____ (pass/disqualify)
- C. Individual Information – Minimum Experience _____ (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 Improvement Plan _____ (pass/disqualify)
- C. Rental Offer _____ (pass/disqualify)
- D. 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)

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/Quality of Experience _____ / 15 Points
B. Proposal Information
 Operation Plan _____ / 25 Points
 Facility Improvement Plan _____ / 25 Points
 Rental Offer _____ / 25 Points
 Concession 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

If interested in submitting a proposal, please request the DPR 398 Concession Proposal forms from Anne Davigeadono at (916) 653-8939 or anne.davigeadono@parks.ca.gov. This provides the State with potential proposer contact information in the event there are changes to the RFP documents. Proposal forms will also be available at the Pre-Proposal Meeting.