

# REQUEST FOR PROPOSALS

FOR

# PRAIRIE CITY MOTORSPORTS FACILITY

AT

# PRAIRIE CITY SVRA

December 7, 2017

January 15, 2018

STATE OF CALIFORNIA – RESOURCES AGENCY  
DEPARTMENT OF PARKS AND RECREATION  
PARTNERSHIPS OFFICE  
1416 9<sup>th</sup> STREET, 14<sup>TH</sup> FLOOR  
SACRAMENTO, CA 95814





## NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that the California Department of Parks and Recreation now is accepting proposals for the concession operation described below. The following summarizes this proposal.

Concession Name:	Prairie City Motorsports Facility
State Park:	Prairie City State Vehicular Recreation Area
Proposal Closing Time & Date:	2:00 PM, Monday, January 15, 2018
Proposal Submission Location:	California State Parks Partnerships Office 1416 9th Street, Room 1442-07 Sacramento, CA 95814
Contract Term:	Five (5) years, with a Five (5) year option to extend
Minimum Annual Rent Bid & other Financial Requirements:	Ten thousand dollars (\$10,000) minimum rent or ten percent (10%) of gross receipts, whichever is greater.
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

For more information or to purchase a copy of the complete RFP, contact Kevin White at the Partnerships Office at (916) 654-8924 or email at [kevin.white@parks.ca.gov](mailto:kevin.white@parks.ca.gov). Interested parties may download a complimentary copy of the RFP at [www.parks.ca.gov/concessions](http://www.parks.ca.gov/concessions).



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Lisa Ann L. Mangat, Director



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## SECTION 1 - PROJECT SUMMARY

### 1.1 GOAL & OBJECTIVES

#### **Department Mission**

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

#### **Off-Highway Motor Vehicle Recreation Division Mission**

The Mission of the Off-Highway Motor Vehicle Recreation (OHMVR) Division is to provide leadership statewide in the area of off-highway vehicle (OHV) recreation; to acquire, develop, and operate state-owned vehicular recreation areas; and to otherwise provide for a statewide system of managed OHV recreational opportunities through funding to other public agencies. The OHMVR Division works to ensure quality recreational opportunities remain available for future generations by providing for education, conservation, and enforcement efforts that balance OHV recreation impacts with programs that conserve and protect cultural and natural resources.

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

The goal of this Request for Proposal (RFP) is to award a five (5) year contract with the State's option to extend for up to five (5) additional years to a qualified entity to equip, operate, and maintain the Prairie City Motorsports Facility to host instruction, practices and races including, but not limited to Speedway, Flat Track, Enduro Cross, and Arena Cross.

#### **Objectives of this Concession**

The objectives of this concession opportunity are:

- Develop, equip, manage, and maintain high-quality, reasonably priced track facilities and services to the public;
- Promote and complement safe, enjoyable, and high-quality recreational experiences for all park users.

### 1.2 GENERAL INFORMATION

#### **Site Description**

Prairie City SVRA is situated at the base of the Sierra Nevada foothills, 20 miles east of downtown Sacramento and three miles south of U.S. 50. The area offers off-highway vehicle enthusiasts a variety of interesting terrain and trails for motor cycles, all terrain vehicles, and 4-wheel drive vehicles. Additionally, the park has a Motocross Track, ¼ Midget Track and Remote Control Car Track.

**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.

## **Resource Significance**

The open grasslands, oak woodlands and riparian areas found within Prairie City SVRA attract a wide range of birds and other wildlife that reside in the area. Red-tail hawks and kestrels are often seen soaring in the skies above and deer and coyotes forage for food in the morning and evening hours. Providing long-term, sustained OHV recreation opportunity is a top priority in SVRA management. Provisions in California law require actions to stabilize soils and to provide for healthy wildlife populations in OHV recreation areas. Sites exist throughout the SVRA, which have become eroded. There are projects ongoing to stabilize eroded areas by reshaping slopes, and by reseeding and replanting bare areas. Several water basins are found throughout the park, and are maintained to provide safe, high quality riparian habitat as well as for retention of sediment.

## **1.3 CONTRACT SUMMARY**

The intent of the contract is to provide the public with high-quality, reasonably priced goods and services in an authentic manner and atmosphere that enhances the visitor's experience and the educational, natural, and cultural resources of the park. The term of the contract is for a period of five (5) years with the State's option to extend for up to five (5) additional years.

The following is a summary of important contract provisions. It is critical that proposers be familiar with and understand all the terms and conditions of the Sample Concession Contract (included herein). Your proposal should be based on the requirements of this contract in its entirety. If a proposer is awarded the contract, the successful proposer has 30 days to review and sign the awarded contract. The successful proposer shall be expected to accept the provisions of the Sample Concession Contract as written. If necessary, minor clarifications, approved by staff counsel, the Department of General Services, and the Attorney General, may be made prior to contract execution.

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

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

1. Be open for business at least 120 days annually for a minimum of four (4) hours per day, unless prior written approval for exception is given by State and on days due to inclement weather at the discretion of the district.
2. Provide an inspection of all off street or competitive motor vehicles entering the facility and shall ensure they meet all applicable California Vehicle Code 38370 requirements regarding noise restrictions for off-highway vehicles. Vehicles are not allowed to exceed 96 dBa.
3. Provide an Advanced Life Support (ALS) ambulance on all race days (to include pre-race practice), and an Emergency Medical Technician (EMT) with appropriate equipment on practice days. Appropriate equipment includes, but is not limited to: backboard, traction splint, cervical collars, oxygen airways, splints, and other basic first aid equipment.
4. Manage parking, ingress, and egress in the pit and spectator parking areas.



5. Monitor and record all accidents, which occur on the track and forward the following information to the State: type of injury, type of vehicle, identification number of vehicle if available, location on the track, and whether the injured party was transported by ambulance or self-transported. The report of injury is due within 24 hours of the conclusion of the event. Consistent with law regarding a "closed course", the State will not be obligated to respond to accidents and will not complete a traffic collision report.
6. Concessionaire may reserve the right to eject, or refuse service to anyone who, in the determination of the concessionaire, is violating these conditions, or whose conduct is detrimental to the overall mission of business.
7. Report to the State any damage to the facility and/or acts of vandalism within 48 hours of discovery of such damage and/or vandalism.
8. All footprint changes to the track and pit areas, and/or structural changes to state owned buildings and infrastructure must be requested in writing and approved by the District Superintendent, manager, or his/her designee.
9. Include an annual maintenance plan to outline routine maintenance of the track such as grooming, grading, watering, and incorporation of approved soil amendments must be requested in writing and approved by the District Superintendent or his/her designee.
10. Any addition of permanent or portable buildings or walk-in storage containers must be approved in writing by the District Superintendent or his/her designee.
11. The concessionaire is required to provide a dumpster for large events. All litter and refuse from races, practices, and schools must be cleaned up and removed within 24 hours of the conclusion of the event. Except for large events that require a dumpster, concessionaire may deposit the collected litter and refuse in the parks dumpster, located in the maintenance yard.
12. Concessionaire is required to report all waste removal in tonnage and recycling per Assembly Bill, AB275; Committee on Environmental Safety and Toxic Materials. Hazardous substances: liability recovery actions.
13. Concessionaire is responsible for forwarding an event calendar and a schedule of events to the State (District) at least 30 days in advance of each event. Other dates may be requested in writing with less than 30 days' notice and are subject to approval by the Prairie City Superintendent.
14. The concessionaire shall obtain District approval at least 30 days in advance and a special event permit for all competitive events which are outside the scope of routine track operations. Routine track operations include ride days, practice days, and training courses and schools. Additionally, approval at least 30 days in advance and a special event permit shall be obtained when the track is rented to outside promoters and/or organizations.
15. The State will not be responsible for lost revenue or event disruption due to water shortages or failure of the water supply system. In the event of a water supply system failure, the State will exercise due diligence to repair the system in a timely manner.
16. Pay as annual rent the amount presented in the proposal, which at a minimum, shall be ten thousand dollars (\$10,000) or ten percent (10%) of gross receipts, whichever is greater.
17. Provide an Operation Plan as specified in Proposal Instructions that clearly demonstrates the proposer's plan to provide accessible services and facilities that

comply with Americans with Disabilities Act (ADA) guidelines. The plans will become part of the contract subject to State review and approval.

18. Conduct quarterly meetings annually to discuss upcoming events, scheduling and details for each event.
19. Maintain the premises, including landscaping, facilities including restrooms, furnishings, and equipment in good condition in accordance with State standards and contract provisions.
20. Provide a continuing Performance Bond in the amount of \$10,000.
21. Pay for all taxes applicable to the operation of the concession, including possessory interest taxes, and all utility services as required by the contract.
22. Provide liability and fire insurance as required by the contract.
23. 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.
24. Comply with the letter and spirit of current and subsequent guidelines or plans, including General Plan amendments or updates, management and interpretive plans, historic structure reports, and others.
25. Demonstrate compliance with labor laws as specified in the RFP and 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 California Law or the rules, regulations, guidelines, or the mission of California State Parks and the Off-Highway Motor Vehicle Recreation Division.

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

## SECTION 2 - THE RFP PROCESS

### 2.1 PROPOSAL PROCESS

#### Tentative Proposal Dates

November 20, 2017 .....	Opening Date - Publication of the RFP
December 7, 2017 .....	Optional Pre-Proposal Meeting
December 17, 2017 .....	Questions - Last date for proposers to submit written questions
December 31, 2017 .....	Answers - DPR written responses to questions
January 15, 2018 .....	Closing Date - Deadline for proposal submission
January 29 – February 5, 2018....	DPR Investigation and evaluation of Proposals
February 5, 2018 .....	Notification of "Intent to Award Contract"
May 13, 2018 .....	Award, preparation, and execution of contract
June 15, 2018 .....	Five (5) year 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

Proposer or Proposer's designee is invited to attend the optional pre-proposal meeting at 6:00 PM on December 7, 2017, at Prairie City State Vehicular Recreation Area, 13300 White Rock Road, Rancho Cordova, California. Proposers may contact Kevin White at (916) 654-8824 to reserve space at the meeting.

The meeting provides an equitable forum for all proposers to:

- Meet local District 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 District 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 5:00 p.m. on December 17, 2017. To ensure fair competition, all proposers will receive a written response to written questions; telephone or personal inquiries about this RFP will NOT be answered. Questions must be submitted in writing to the Department by email at the email address listed below. A written compilation of all questions and answers, and any RFP addenda, will be posted at [www.parks.ca.gov/concessions](http://www.parks.ca.gov/concessions).

If requested, the Questions and Answers may be sent hard copy by U.S. mail. Questions will be answered as clearly and completely as possible without jeopardizing the competitiveness of the proposals.

Proposers should send their questions addressed to:

California Department of Parks and Recreation  
Partnerships Office  
1416 9<sup>th</sup> Street, 14<sup>th</sup> Floor, Room 1442-7  
Sacramento, CA 95814  
Attn: Kevin White  
Email: [kevin.white@parks.ca.gov](mailto:kevin.white@parks.ca.gov)

### **Proposal Bond**

Proposals must be accompanied by a Proposal Bond or cashier's check payable to the State of California, Department of Parks and Recreation, in the amount of 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 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 contract but fail to execute and proceed with the contract, the exact amount of which will be difficult to ascertain. Accordingly, it is agreed that such retained sums shall not be deemed a penalty, but, in lieu of actual damages, shall represent a fair and reasonable estimate of damages to the State for failure of the proposer to execute and proceed with the contract upon notification of award by the State. Bonds will be returned to all proposers once a contract is signed by the best responsible bidder.

### **Proposal Submission**

Your proposal, including the Proposal Bond, must be received by 2:00 PM on January 15, 2018 at:

California Department of Parks and Recreation  
Partnerships Office  
1416 9<sup>th</sup> Street, 14<sup>th</sup> Floor, Room 1442-7  
Sacramento, California 95814

### **Proposal Format & Content**

The proposal package must be sealed and clearly marked on the outside with "Proposal for Prairie City Motorsports Facility at Prairie City SVRA". Please submit an original plus **six (6)** copies of your proposal in 8.5" x 11" three-ring binders. All material should be presented in an 8.5" x 11" portrait format with tabs for each section. Larger formatted graphic exhibits are acceptable if folded to fit within the 8.5" x 11" three-ring binder.



### **Confidentiality of Proposals**

All proposals submitted 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 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 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 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 passed, proposals shall be irrevocable.

## **2.2 EVALUATION PROCESS**

### **Verification of Proposal Information**

The State will obtain credit reports and verify tax form information to further establish the qualifications of any proposer. All proposers may be subject to a personal interview and inspection of his/her business premises prior to award. Proposers should notify bank and business references in writing that a representative from the State will be contacting them concerning the financial and credit information furnished to the District 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. 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 Form. **Proposals not containing all of the items in the Concession Proposal form (DPR 398) may be rejected.**

### **Contract Award Board**

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

### **Contract Award**

If an award is made, the award for a concession contract will be to the "Best Responsible Proposer" in accordance with Section 5080.23 of the Public Resources Code. The "Best Responsible Proposer" will be the bidder whose proposal passes each of the required elements and receives the highest total score as determined by the Contract Award Board and approved by the Director. In the event of only one proposal for this contract, the State may award 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 Department of Parks and Recreation policy, within ten (10) days after the District 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 Department. 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 Department of Parks and Recreation  
1416 9<sup>th</sup> Street, 14<sup>th</sup> 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. 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 and Interpretive 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.



## 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 must be marked "N/A" or "Not Applicable". Failure to properly complete the form may disqualify the proposal.

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 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

###### 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:

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

Certification will verify that the business is independently owned and operated; not dominant in its field of operation; has its principal office located in California; has officers domiciled in California; and together with affiliates is either a service, construction, or non-manufacturer with 100 or fewer employees and average annual gross receipts of fourteen million dollars (\$14,000,000) 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, Limited Liability Company 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. Limited Liability Companies (LLC) must 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.

## **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 with 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. 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 the business will use to undertake the project as 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, 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:**

Use the Business Financial Statement to describe the current and true condition of the business' assets, liabilities, and net worth. Please 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. Proposer 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 should include a credit report issued by a nationally recognized credit bureau within 60 days of the proposal due date. Any derogatory information listed on said reports must be explained and may disqualify the proposal. Prior history of delinquent concession payments with the Department of Parks and Recreation may also 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, Facility, and Interpretive Plan (as required) that addresses each of the checked elements in the Concession Proposal form (DPR 398). For your information, each element of the Concession Proposal is described below. You may submit additional information to describe and enhance your proposal.

**A. Operation Plan**

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

adhere to the operational requirements as described in the Sample Contract. The Operation Plan should address each of the following elements:

#### Vision/Mission Statement

The Vision/Mission Statement should capture both the State's and proposer's 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 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

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

#### Housekeeping, and Groundskeeping

Provide a comprehensive plan to maintain the concession facilities and grounds throughout the term of the contract. The housekeeping and groundskeeping component of the Operation Plan must describe any subcontracted services; housekeeping and groundskeeping schedules; and annual budget allocation, necessary to maintain the concession Premises in a good, safe and sanitary condition in accordance with all standards set forth in the Sample Concession Contract, **Section 12**, Housekeeping and Groundskeeping.

#### Maintenance

Provide a comprehensive plan to adequately fund and execute routine maintenance of equipment and the concession facilities throughout the term of the contract. The maintenance section of the Operations Plan must describe any subcontracted services, maintenance schedules, manure removal, repairs and annual budget allocation, to maintain the equipment, facilities and structures in good, safe and sanitary condition in accordance with all standards set forth in the Sample Concession Contract, **Section 13**, Maintenance.

#### Visitor Service

Describe a clear commitment to successfully implement an effective visitor service program. The plan should include, but is not limited to, previously established and effective visitor 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 are not limited to, hiring practices; probationary period; health, safety, and grievance policies and procedures; performance monitoring; uniform policies and 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 methodologies; identity of media sources; sample of advertising materials, brochures and schedules; and specify an annual marketing budget allocation.

#### Community Involvement

Describe commitment to create added value and benefit to the surrounding community as well as park visitors. This may include coordination or participation in special events, educational programs, and community service activities; and recognition of local stakeholders and interest groups.

#### Products, Merchandise, and Services

Provide a detailed description of the proposed products, merchandise, and services to be provided by the concession operation. Sales items must be high quality and the selection varied. The products and 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 proposed products and services. The plan should include a definitive description and explanation of the policies to be used to establish prices for products, and services. The policies should clearly demonstrate the relationship of pricing to product quality and portions. Implementation of these policies should provide park visitors with quality products at reasonable prices considering the competition of comparable markets for similar products, services and cost of doing business. Pricing policies should consider Sample Contract, Section 4, Rent; and Section 13, Rates, Charges and Quality of Goods and Services.

#### Conservation and Recycling

Outline a program for 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 you to a program that will minimize negative impacts on the environment and encourage park visitors to do the same consistent with Sample Contract Section 21 Resource Conservation. Plan must address collection and disposal of hazardous materials such as used motor oil and tires resulting from new product sales throughout the park unit.

#### 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, the Rehabilitation Act of 1973, and California Government Code Sections 4450 et. seq. and 7250.

### Safety and Security

Provide a plan for and commitment to ensuring the safety of visitors and employees and protection and security of the concession premises and facilities. At a minimum, provide appropriately certified Emergency Medical Technician personnel and ambulance service for all race events.

### **B. Interpretive Plan**

The Interpretive Plan is a critical element of a concession and, consequently, can be very influential in the selection of the successful proposal. 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.

### Business' Interpretive Theme

Describe the interpretive theme of your business.

### Business' Ambiance

Describe your plan to develop and implement park ambiance including such things as furnishings, signs, wall treatment, advertising, window coverings, equipment tools, display shelves, counters, tables, chairs, and other furnishings as applicable.

### Educational Activities

Describe your plans to incorporate and communicate as part of daily operations "Tread Lightly", natural resource protection while providing high quality recreational experience, and safety guidelines as part of daily operations.

### **C. Rental Offer**

The concessionaire will be required to pay as annual rent a guaranteed amount (Rental Guarantee) or a Percentage of Gross Sales, whichever is greater. Proposers shall bid both the Rental Guarantee and the Percentage of Gross Sales as specified in the Concession Proposal form (DPR 398). For the purposes of this RFP, the Rental Guarantee must be at least the Guaranteed Annual Rent of ten thousand dollars (\$10,000) or ten percent (10%) of gross receipts, whichever is greater. Any offer below the minimum rent requirements will result in proposal disqualification.

### **D. 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 relevant experience, knowledge, and expertise, and the Operation, Facility Improvement, and Interpretive Plans (as applicable) in 250 words or less.

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

#### **A. Labor Law Compliance Certification**

Proposers must sign 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 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

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

#### Experience

**20 Points**

For the purposes of this RFP, proposers must have a minimum of five (5) year's 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

**35 Points**

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



**Interpretive Plan****5 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. More points will be awarded to proposals that integrate the park's interpretive theme into the daily operation of the concession.

**Rental Offer****30 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 Ten thousand dollars (\$10,000))

$$\frac{(\text{Bid Amount}) \text{ minus } (\$10,000)}{(\text{Highest Bid Amount}) \text{ minus } (\text{Guaranteed Rent})} \times 15 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales (Minimum bid is ten percent (10%))

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

\*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 \_\_\_\_\_ (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. Interpretive 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)
- 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 \_\_\_\_\_ / 35 Points
  - Interpretive Plan \_\_\_\_\_ / 5 Points
  - Rental Offer \_\_\_\_\_ / 30 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 form from Kevin White, Concession Specialist at (916) 654-8924 or email [kevin.white@parks.ca.gov](mailto:kevin.white@parks.ca.gov) or by calling the Concessions Program Office at (916) 653-7733. This provides the State with potential proposer contact information in the event there are changes to the RFP documents. The DPR 398 Concession Proposal forms will also be available at the Pre-Proposal Meeting.

# SAMPLE CONCESSION CONTRACT

