

# REQUEST FOR PROPOSALS

FOR

## Motorized and/or Non-Motorized Watercraft and Beach Equipment Rentals

AT

### Donner Memorial State Park



Opening Date  
August 5, 2018

Closing Date  
September 24, 2018

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



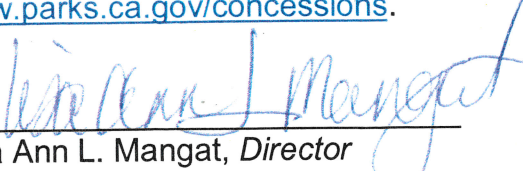
RFP #: P17CA027

## NOTICE OF REQUEST FOR PROPOSALS

Notice is hereby given that the Department of Parks and Recreation (State) is now accepting proposals for the concession operation described below.

Concession Name:	Motorized and/or Non-Motorized Watercraft and Beach Equipment Rentals
Park Unit:	Donner Memorial State Park
Proposal Closing Time & Date:	2 PM on September 24, 2018
Proposal Submission Location:	Department of Parks and Recreation Partnerships Office 1416 9 <sup>th</sup> St., Room 1431 Sacramento, CA 95814
Concession Type:	Motorized and/or Non-Motorized Watercraft and Beach Equipment Rentals
Contract Term:	Five (5) years with a five (5) year optional extension
Annual Minimum Rent Bid:	Fifteen thousand dollars (\$15,000) annually or fifteen percent (15%) of monthly gross receipts, whichever is greater
Concessionaire Capital Outlay:	N/A
Maintenance Fund to State:	N/A
Proposal Bond (due at time of proposal submission):	Five hundred dollars (\$500)
Performance Bond (due at time of Contract execution):	Fifty percent (50%) of one (1) year's minimum rent as bid
Proposer's Minimum Years of Relevant Experience:	Three (3) years
Optional Pre-Proposal Meeting:	August 14, 2018 at 6 PM

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).

  
 Lisa Ann L. Mangat, Director

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## SECTION 1 - PROJECT SUMMARY

### 1.1 GOAL & OBJECTIVES

#### **Department of Parks and Recreation Mission**

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

#### **Park Mission**

Donner Memorial State Park was established to commemorate the people who have crossed the Sierra Nevada through time and the Donner Party tragedy that took place here in the winter of 1846-47; to preserve and interpret the park's natural and cultural resources as part of the Truckee River Basin, a major passageway to the crest of the Sierra Nevada; to manage its landscape in a way that restores biological diversity and provides an important link in the fragmented ecosystem of the Sierra Nevada; to provide for the public's use and enjoyment of its scenic and recreational features; and for the interpretation of its prehistoric, historic, and natural resources.

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

The goal of this RFP is to award one (1) concession contract to an individual or business entity to develop, operate, and maintain a concession offering motorized and/or non-motorized watercraft and beach equipment rentals to enhance the park visitor's recreational and educational experiences at Donner Memorial State Historic Park.

#### **Objectives of this RFP**

- Develop, operate and provide the park visitor with a concession offering high-quality motorized and/or non-motorized watercraft and a variety of other beach equipment rentals at reasonable prices
- Provide reasonable financial compensation to support the State, including the park operation and interpretive activities

### 1.2 GENERAL INFORMATION

#### **Site Description**

Donner Memorial State Park is a 3549-acre park located at the 6,000-foot elevation on the east end of Donner Lake in the Sierra Nevada mountain range at Truckee, California. It is a 30-minute drive from Reno, Nevada and two hours from Sacramento, California. The park provides 152 camping sites, 48 picnic sites, 18.5 miles of hiking trails and 1.7 miles of lakefront access. The newly opened Donner Memorial State Park Visitor Center depicts the history of the area and the people who came into this part of

the Sierra, including local Native Americans, the Donner Party, and builders of the transcontinental railroad.

### **Historical Significance**

At Donner Memorial State Park, one can learn a dramatic story of human perseverance, suffering, and loss within the larger context of the great migration of people across our continent. California owes its beginnings to these pioneers, and we can take from their stories a deeper sense of human potential.

The park is located in a valley that, for thousands of years, offered an easier route than others for migration and travel across the mountains. Euro-Americans arriving from the East used long-worn paths in their efforts to pass through these mountains, the last great barrier to their dreams of settlement in California. Later, railroad routes were carved into the mountains and old trails were paved.

As Euro-Americans arrived in the mid-nineteenth century, native populations were displaced and suffered diseases brought by the immigrants. One of the earliest eastern arrivals was a small company of pioneers weakened by months of travel in hostile environments and unprepared for winter in the mountains. Almost half of this party perished in the deep snows of the winter of 1846-1847. This was the Donner Party, named for the expedition leader. Seventy years later, their sacrifices and hardships were commemorated by the State's acquisition of a portion of the land where they had camped. This small parcel became Donner Memorial State Park. The basic alignment of the original Donner Party trail is along the access road into the park, Donner Pass Road, also known as Old Highway 40. After the pioneer era, the old trail alignment became the primary east-west wagon and motor vehicle route through this part of the mountain range.

Thousands of pioneers from the eastern United States stopped here to rest and prepare for the push across the highest peaks. With the settlement of California, wagon roads were improved and the railroad was built through the valley. New commercial activities created the need for local timber to provide fuel and the raw materials for mining and railroad structures as well as ice for cooling fruits and vegetables while being transported. Chinese laborers involved with the railroad and its construction created a camp at the west end of Donner Lake. Sawmills and ice ponds once existed along Donner Creek on what is now park land.

The Pioneer Monument, dedicated to the pioneers who crossed the Sierra on their way to the west, stands on the spot where the Schallenberger, and later the Breen, cabin once stood. California Historical Landmark #134 was completed on June 6, 1918 and sits atop a 22 foot pedestal that faces westward toward Donner Pass.

### **Current Concession Operation**

There is currently one concession operation (the one being bid in this RFP). The current concession agreement expires March 31, 2018. They currently provide the following items for rent: motorized fishing boats and jet skis; and non-motorized pedal boats, hydro bikes, stand-up paddleboards and kayaks (single/tandem).

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

<u>Fiscal Year</u>	<u>Visitation</u>	<u>Gross Receipts</u>	<u>Rent to State</u>
2016/17	208,000 est.	\$250,389	\$27,542
2015/16	208,892	\$205,300	\$22,583
2014/15	182,191	\$198,689	\$21,888
2013/14	106,173	\$120,641	\$13,270

**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.

### **1.3 CONCESSION CONTRACT SUMMARY**

The goal of this RFP is to award a five (5) year concession contract with an option to extend for an additional five (5) years, for the operation of a motorized and/or non-motorized watercraft and beach equipment rental concession. The intent of the concession contract is to provide the public with high-quality, reasonably priced motorized and/or non-motorized watercraft and a variety of other beach equipment rentals in an authentic 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:**

Provide motorized and/or non-motorized watercraft as approved by the District Superintendent or designee, for rent by the public. The Use of Premises will be consistent with the State approved Operation Plan as proposed by the concessionaire and as modified by State as is reasonable and necessary to meet the intention of the State for this operation and the mission of the Department.

*Concession Operational Summary:*

- All operations shall cease whenever small craft or lake wind advisories or warnings are issued.
- Concessionaire shall include a safety and skills orientation presentation for customers.
- At no time shall the maximum-rated passenger capacity of the vessel be exceeded.

- Personal Floatation Devices (PFD's) are to be issued and worn as required in California Law and must be U.S. Coast Guard-approved.
- In addition to any required notification to the Department of Parks & Recreation, Division of Boating & Waterways, concessionaire shall report, immediately, all accidents or other incidents.
- All boat captains must be Coast Guard certified.

*Donner Specific Operational Requirements:*

- All operations shall be in compliance with the Town of Truckee, Title 12, Parks & Recreation regulations and all other applicable laws, rules and regulations.
- Proof of named permit, if applicable, shall be submitted to State prior to start of concession operation.
- Watercraft inspections are mandatory for all boats launching on Donner Lake.
- Concessionaire shall maintain in stock an adequate supply of safety gear to provide each rental.
- Concessionaire shall have on-site at least one powerboat suitable for rescuing stranded customers and equipment.
- Concessionaire shall provide a mobile facility such as a van, bus, or trailer to serve as a rental office.
- Concessionaire shall provide a mobile fuel storage facility and all refueling procedures shall be arranged on land and may not be performed on the water.

Hours of Operation: Concession services shall be provided between sunrise and sunset, starting on Memorial Day Weekend and ending on Labor Day Weekend, weather permitting. In the event State deems the hours of operation inadequate for proper service to the public, State may require Concessionaire to adjust the days and/or hours of operation to a schedule provided by State. Concessionaire may remain open on other dates, observing same or longer hours, at Concessionaire's discretion with the concurrence of State. In the event of adverse weather or other operating conditions, State may permit the concession to close at any time during the term of this Contract.

*General Requirements:*

1. Pay as annual rent the amount presented in the proposal, which, at a minimum, shall be the greater of fifteen thousand dollars (\$15,000) or fifteen percent (15%) of monthly gross receipts.
2. Implement the Operation Plan, as described in Proposal Instructions that clearly demonstrates the proposer's plan to provide services and facilities that comply with federal, state, and local guidelines. The plans will become exhibits of the final concession contract subject to State review and approval.
3. Maintain the premises, facilities, furnishings, and equipment in good condition in accordance with State standards and concession contract provisions.
4. Provide a continuing Performance Bond in the amount of fifty percent (50%) of one (1) year's minimum annual rent as bid, with CPI adjustments every five (5) years.



5. 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.
6. Provide commercial general liability, worker's comp, automobile, and watercraft insurance as required by the concession contract. See the attached Sample Concession Contract for further details.
7. 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.
8. 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.
9. 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

August 5, 2018.....	Opening Date - Publication of the RFP
August 14, 2018.....	Optional Pre-Proposal Meeting
August 24, 2018.....	Questions - Last date for proposers to submit written questions
September 3, 2018 .....	Answers - DPR written responses to questions
September 24, 2018 .....	Closing Date - Deadline for proposal submission
September 24 – October 8, 2018.	Investigation and evaluation of Proposals
October 29, 2018 .....	Notification of “Intent to Award Contract”
October 29, 2018 – April 1, 2019	Award, preparation, and execution of contract
April 2, 2019.....	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 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 6 PM at Donner Memorial Visitor Center, 12593 Donner Pass Road, Truckee, CA 96161. 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 August 24, 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 or fax at the address and phone numbers 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) and sent by first-class mail to all identified potential proposers. Questions will be answered as clearly and completely as possible without jeopardizing the competitiveness of the proposals.

Proposers should send their questions addressed to:

Department of Parks and Recreation  
Partnerships Office  
1416 9<sup>th</sup> St., Room 1431  
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 hundred dollars (\$500). 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 PM on September 24, 2018 at:

Department of Parks and Recreation  
Partnerships Office  
1416 9<sup>th</sup> Street, Room 1431  
Sacramento, CA 95814

### **Proposal Format & Content**

The proposal package must be sealed and clearly marked on the outside with "Proposal for Motorized and/or Non-Motorized Watercraft and Beach Equipment Rentals at Donner Memorial State Park". Please submit an original plus **six (6)** 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 Department of Parks and Recreation, 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 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 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 Department of Parks and Recreation. 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  
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 (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 Department of Parks and Recreation 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, 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.

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 three (3) 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. 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 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 Donner Memorial State Park'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. If applicable, 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 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 10**, Housekeeping, Maintenance, Repair and Removal.

### 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, including those used to increase visitor diversity; identify media sources and sample advertising materials, schedules, brochures, signage; and specify an annual marketing budget allocation.

### 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. The policies should include an explanation of the process to be used to establish prices for products and services. Such 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.

### 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](http://www.ada.gov); [http://www.parks.ca.gov/?page\\_id=21944](http://www.parks.ca.gov/?page_id=21944) (State Parks Accessibility Program; and [http://www.parks.ca.gov/?page\\_id=22651](http://www.parks.ca.gov/?page_id=22651) (All Visitors Welcome handbook).

## **B. 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 \$15,000 annually and the Percentage of Gross Sales must be at least fifteen percent (15%). Any offer below the minimum rent requirements will result in proposal disqualification.

## **C. 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, Facility Improvement, and Interpretive Plans (as applicable). Upon receiving a "pass" under Level II, concession feasibility will be further evaluated under Level III in relation to the Operation, Facility Improvement, and Interpretive Plan commitments.

### **III. PROPOSAL SUMMARY**

The Proposal Summary should summarize relevant experience, knowledge, and expertise, and the Operation Plan 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 points will be awarded to those proposers who have a complete and certifiable application on file with the Office of Small Business Certification.

#### Experience

**10 Points**

For the purposes of this RFP, proposers must have a minimum of three (3) 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

**30 Points**

A maximum of thirty (30) 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

**50 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 \$15,000)  
$$\frac{(\text{Bid Amount}) \text{ minus } (\$15,000)}{(\text{Highest Bid Amount}) \text{ minus } (\$15,000)} \times 25 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

Percentage of Gross Sales (Minimum bid is 15%)  
$$\frac{(\text{Bid Amount})}{(\text{Highest Bid Amount})} \times 25 \text{ points} = \underline{\hspace{2cm}} \text{ points}$$

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



**3.3 PROPOSAL EVALUATION SHEET**

**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. Rental Offer \_\_\_\_\_ (pass/disqualify)
    - C. 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 \_\_\_\_\_ / 10 Points
- B. Proposal Information
  - Operation Plan \_\_\_\_\_ / 30 Points
  - Rental Offer \_\_\_\_\_ / 50 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 Kevin White at (916) 654-8924 or [kevin.white@parks.ca.gov](mailto:kevin.white@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.

## **SAMPLE CONCESSION CONTRACT**