

COUNTY OF SANTA BARBARA
PARKS DEPARTMENT
610 MISSION CANYON ROAD
SANTA BARBARA, CALIFORNIA 93105

REQUEST FOR PROPOSALS

Notice is hereby given that proposals are being requested to lease and operate a **RESTAURANT AND SNACK BAR AT ARROYO BURRO BEACH COUNTY PARK, 2981½ CLIFF DRIVE, SANTA BARBARA, CALIFORNIA 93109**, per attached specifications. Proposals will be received in the Parks Department's Administrative Office, located at 610 Mission Canyon Road, Santa Barbara, California, until **3:00 p.m., Thursday, August 30, 2007**. At this date and time all proposals will be publicly opened in the Parks Department's Administrative Office. Only the names of the Proposers will be read aloud. If further information is needed, please contact Mike Gibson, Business Manager, at (805) 568-2477.

MAILED proposals should be addressed as follows:

"Proposal to Lease and Operate a Restaurant and Snack Bar at Arroyo Burro Beach County Park"
Santa Barbara County Parks Department
Administrative Office
610 Mission Canyon Road
Santa Barbara, CA 93105
Attn: Mike Gibson

It is the responsibility of the Proposer to see that any proposals submitted shall have sufficient time to be received by the Parks Department prior to the proposal opening time. **Late proposals will be returned to the Proposer unopened.**

The receiving time in the Parks Department will be the governing time for acceptability of proposals. Proposals will not be accepted by telephone, facsimile, or e-mail. **ALL PROPOSALS** must bear original signatures and figures.

Michael J. Gibson
Business Manager
Santa Barbara County Parks Department

A. INTRODUCTION

The County of Santa Barbara/Parks Department is seeking a corporation, business, or individual to lease and operate a restaurant and snack bar at Arroyo Burro Beach County Park in Santa Barbara, California. The licensed premises consist of an area of approximately 3,600 square feet of lease space located at Arroyo Burro Beach County Park, 2981½ Cliff Drive, Santa Barbara, California 93109 (see Attachment #1 – Vicinity Map; and Attachment #2 – Site Plan).

In 1947, six acres of State land on the Santa Barbara coast was purchased by the County of Santa Barbara and an additional 6.8 acres were leased from the State to form Arroyo Burro Beach County Park. In 1968, the State granted the leased land to the County. During the 1990s, an additional acre for parking was dedicated to the County by a private land trust. Known for its sandy beaches, swimming, surfing, and surf fishing, this park also offers a cool grassy area for picnics and recreating. The park is located on Cliff Drive, in Santa Barbara, ½ mile northwest of the Las Positas Road intersection. The park attracts close to 1 million visitors each year and generates about \$190,000 in annual day use and concession revenues.

Business Terms

Following the selection of a proposal by the County Parks Department, the Parks Department and Real Property staff will negotiate a concession lease agreement with the selected party based on the following terms. The final concession lease agreement will be subject to approval by the County Board of Supervisors.

1. **Proposed Term:** Initial term of up to 10 years, with the possibility of an option to extend, depending on amount of capital improvement investments planned for the facility.
2. **Proposed Percentage Rent:** 8% minimum
3. **Proposed Minimum Monthly Rent:** \$15,000 (applies only when the business is closed for any extended period of time and/or the monthly percentage rent is below \$15,000).
4. **Required Insurance:** Concessionaire shall provide Workers' Compensation and Employers' Liability Insurance to cover all concessionaire's staff while performing any work incidental to the performance of the lease agreement. General and Automobile Liability and Property Insurance shall be provided with coverage limits not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate. Liquor liability coverage shall be provided as part of the General Liability Insurance. All insurance coverages are to be placed with insurers which: (1) have a Best's rating of no less than A:VII; and (2) are admitted insurance companies in the State of California.

5. **Hours of Operation:** Concessionaire's indoor dining facility shall be open for business daily, from at least 7:00 a.m. to 10:00 p.m. Walk-up window service shall be open for business daily, from at least 10:00 a.m. until sundown (park closing). Business shall operate seven (7) days a week, except on Christmas Day, Thanksgiving Day, and New Year's Day (at the option of Proposer). Extended hours are encouraged.

A sample concession lease agreement, which contains most of the standard terms and conditions required by the County for a concession lease, is available for review at the Parks Department's Administrative Office, at 610 Mission Canyon Road, Santa Barbara, California. **It is the responsibility of the Proposer to review the sample lease agreement, examine the economic environment, and conduct such further investigations as are necessary or appropriate to ensure that the nature of the undertaking and the obligations to be assumed by the Proposer are fully understood.**

B. GENERAL REQUIREMENTS

1. General

The intent of this Request for Proposal (RFP) is to result in a concession lease agreement for a restaurant and snack bar at Arroyo Burro Beach County Park. The evaluation of the responses and award of any resulting contract will be in conformance with the rules of this section and applicable State law and County policy. A Proposer's submitted proposal is an irrevocable offer valid for ninety (90) days following the closing date for receipt of proposals. This RFP includes, in addition to an explanation of the County's needs (which must be met), instructions which prescribe the format and content of the proposal to be submitted.

2. Examination of the Request for Proposal

Proposers should carefully examine the entire RFP and addenda thereto, if any, and should become fully aware of the nature of the services to be provided.

3. Questions Regarding the RFP

If further information is needed, please contact:
Mike Gibson, Parks Department Business Manager, at (805) 568-2477

If it becomes evident that this RFP must be amended, a formal amendment will be issued to the Proposers and, if necessary, a new proposal due date will be established.

Verbal communications from County staff concerning the RFP are not binding on the County and shall in no way excuse the successful Proposer of obligations as set forth in the RFP, unless the RFP has been formally amended.

C. STEPS OF PROPOSAL DEVELOPMENT AND REVIEW

1. Submittal of Proposals

a. Preparation

The proposal must be complete in all respects as required in these specifications (described in detail in section entitled "PROPOSAL CONTENTS" on page 7 of this RFP). A proposal is to be prepared in such a way as to provide a straightforward and concise discussion of the Proposer's ability to satisfy the requirements of this RFP. Emphasis should be placed on conformance to the RFP instructions, responsiveness to the RFP requirements, and on completeness and clarity of content.

b. Proposer's Cost

The cost of developing a proposal is the responsibility of the Proposer and is not chargeable to the County.

c. Signatures

Proposals shall be on Proposer's letterhead and signed by an individual(s) who is/are authorized to bind the Proposer contractually. The Proposer must not include any limiting statements in its proposal that would preclude the proposal from being held as an irrevocable offer for at least ninety (90) days after the date the proposals are to be received. An unsigned proposal will be rejected.

d. Terms

Proposal shall not include terms which conflict with the terms of this RFP – "Proposal to Lease and Operate a Restaurant and Snack Bar at Arroyo Burro Beach County Park."

e. Delivery of Proposal

Sealed proposals will be received by the Santa Barbara County Parks Department's Business Manager until **3:00 p.m., Thursday, August 30, 2007**, at which time they will be publicly opened. The names of the Proposers will be read aloud by the Parks Department Business Manager, or a designee. No other information will be given at that time. Proposals received after that time will be returned to the Proposer unopened.

2. Mandatory Requirements

These instructions prescribe the proposal format and the approach for the development and presentation of proposal data. Format instructions must be adhered to. All requirements and questions in the RFP must be responded to and all requested data must be supplied.

3. Proposal Format

Respond to all information requested in this RFP. Brochures and advertisements will not be accepted as a substitute for these requirements.

A qualifying proposal must address all items.

4. Submittal and Selection Process

The County reserves the right to award the contract to the Proposer whose proposal is in the best interest of the County, as determined by the County. The basis of the award shall be, but is not limited to, the following criteria:

- a. Qualifications of Proposer – Business history and experience, type of legal entity with whom the County would contract, etc.
- b. Project Management – Qualifications of project manager.
- c. Results of credit, business, and personal reference checks.
- d. Capital Improvement Plans – Proposer's plans for improving the facility to enhance current and future business activity and opportunities.
- e. Lease Preparation and Performance Deposits – Selected Proposer will be required to submit a \$3,500 lease preparation/processing deposit to cover the cost of preparation and processing of the concession lease agreement by County Real Property and Parks staff; and a \$5,000 good faith/performance deposit to ensure that the selected Proposer will ultimately enter into an agreement with the County. The \$5,000 good faith/performance deposit will be returned to the selected Proposer within 15 days of the date of execution of the concession lease agreement with the County.
- f. Any other criteria the County determines necessary for a fair and complete proposal.

Note – the above criteria is not listed in order of importance. Weighted values will be assigned to the criteria during the evaluation process.

Once an award recommendation is decided upon by the Parks Department, the proposals will be available for public inspection (See Section 6. Proposal Terms).

5. Conformance to Specifications

Each proposal will be checked for the required material and information in conformance with the requirements of this RFP. These requirements are obligatory and failure to respond fully may deem the proposal non-responsive.

6. Proposal Terms

a. Right to Reject Proposals and Waive Defects

The County reserves the right to reject all proposals or waive any technical defect or discrepancy in a proposal.

b. Proposal Acceptance Periods

All proposals shall remain firm for ninety (90) days following the closing date of receipt of proposals.

c. Ownership of Proposal Documents

Proposer understands that all information, documents, records, and materials submitted to the County in response to this RFP, and subsequent documents deemed necessary by the County, will become and remain irrevocably the exclusive property of the County. All information, documents, and material, with the exception of certain items that are excludable by law, will become public information and made available upon request for review to the other Proposers and the public after a selection has been made and recommended to the County Board of Supervisors.

d. Proprietary Information

Proposer should clearly designate any and all proprietary information contained in its proposal. Financial statements and tax returns will be held as confidential information and returned to Proposer following the evaluation process.

e. Rejection of Proposals

To better ensure open competition, proposals may be rejected if, in the County's determination, they show any irregularities, conditions, non-conformities, or obviously unbalanced proposals.

- f. Proposals shall be in accordance with the laws of the State of California.

PROPOSAL CONTENTS

General

All proposals should include, at a minimum, the information described in the following section. The inclusion of any additional information that will assist in the evaluation is encouraged.

Proposer's Business Concept and Plan

1. Submit a detailed description of any planned capital improvements to the facility (as referenced in "PROPOSAL EVALUATION" section on page 9).
2. Include a tentative plan for any proposed capital improvements to the facility, including a sketch of key design elements. Additionally, provide a cost estimate and timeline for completion of capital improvements to the facility. The cost estimate shall include local, State, and federal regulatory and permitting costs for any proposed capital improvements to the facility or associated structures.
3. List proposed days and hours of operation.
4. Submit a projection of revenues and expenses for a five-year period. Identify funding/financing for capital improvement costs.
5. Submit a marketing and advertising plan for the business.
6. Confirm that all insurance requirements will be met.
7. Indicate the proposed percentage rent, minimum monthly rent, and lease term.
8. Selected Proposer to submit the County's required lease preparation/processing deposit and the good faith/performance deposit.

Proposer's Business Information

9. Provide contact information including name, address, and phone number.
10. Indicate business entity, for example – sole proprietor, partnership, corporation, etc.
11. List corporate officers (if applicable).

12. Indicate the length of time and locations at which Proposer has operated a similar business(s).
13. Provide a minimum of three (3) business and three (3) personal references.

Proposer's Financial Information

14. Submit a financial statement indicating total net worth. The statement should correspond to the most recent full calendar or fiscal year. An audited financial statement is preferred.
15. Provide a minimum of three credit references.
16. Indicate if the Proposer is involved in any litigation or other disputes that could affect its ability to execute and/or undertake this concession lease agreement.
17. Indicate if the Proposer has ever filed for bankruptcy or had projects that have been foreclosed. If applicable, list the dates and circumstances.
18. Submit any other documents or reports that would assist in determining the financial condition of the Proposer.
19. The County will conduct a credit check and a background check on the Proposer.

DISCLOSURES

The County will provide the lease site "as is." The site has been used as a restaurant for the sale of food and beverages, including alcoholic beverages. There is also a walk-up window/snack bar where visitors can purchase hamburgers, hot dogs, french fries, etc., which operates out of the same facility.

Proposer will be responsible for all on-site utility charges including water, sewer, electricity, natural gas, and refuse.

All remodeling/improvements will require the Proposer to obtain all the necessary permits and approvals required by the County's Planning and Development Department, including a building permit, as well as approval by the County Parks Director. In addition, the Proposer will be responsible for obtaining all required permits and approvals by local, State, and federal regulatory agencies related to any remodeling and/or facility improvements. The Proposer will bear the costs of all mitigation, design, review, planning, permitting, and any other approval processes required by any local, State, or federal regulatory agencies in relation to facility improvements.

The Proposer will be required to comply with all local, State, and federal laws and regulations regarding bidding, prevailing wages, labor, and other legal mandates and requirements for any improvements made to the facility.

PROPOSAL EVALUATION

Evaluation Process and Criteria for Evaluation

Specific criteria have been established to assist the County in the evaluation of the proposals. The proposal review team may use additional criteria that they deem to be significant in selecting the best proposal.

1. Business Plan – 50 points
 - Proposed percentage rent and minimum monthly to be paid to the County
 - Days/hours of operation
 - Price structure for goods and services to be provided on site
 - Customer benefit
 - Marketing & advertising plan
2. Management – 20 points
 - Company history
 - Business experience
3. Financial Information – 20 points
 - Financial statement/financial history
 - Five-year revenue & expense projections
4. Capital Improvements – 10 points
 - Planned facility improvements
 - Description/sketch of proposed capital improvements
 - Method of financing for all proposed capital improvements
 - Method to mitigate construction impact on park operations and continue to provide concession services to the public during construction

Additional Information from Proposers

The Parks Department reserves the right to request information from Proposers beyond that specified in the RFP. Proposers may be requested to appear before the proposal review team.

Qualifications of Proposal

This is not a bid solicitation and; therefore, the Parks Department is not obligated to accept any proposal or to negotiate with any Proposer. The proposal review team reserves the right to reject any or all proposals without cause or liability.

Lease Preparation/Processing Deposit

A cashier's check, in the amount of \$3,500, payable to the County of Santa Barbara/Parks Department, must be submitted by the selected Proposer as a lease preparation/processing deposit at the time of notification of selection. These funds will be applied towards the County's cost to prepare and process the concession lease agreement. Any unused portion of this deposit will be returned to the selected Proposer within 15 days of the date of execution of a concession lease agreement with the County. Conversely, if additional funds are required to complete preparation and processing of the concession lease agreement, such funds shall be submitted to the County promptly upon request.

Good Faith/Performance Deposit

In addition to the lease preparation/processing deposit, a cashier's check, in the amount of \$5,000, payable to the County of Santa Barbara/Parks Department, must be submitted by the selected Proposer as a good faith/performance deposit at the time of notification of selection. This deposit will be held by the County as a performance guarantee to ensure that the selected Proposer actually enters into a concession lease agreement with the County. The County will hold this deposit until a concession lease agreement has been executed with the selected Proposer. The deposit will be returned to the selected Proposer within 15 days of the date of execution of a concession lease agreement with the County.

Submission Requirements

Five copies of the proposal must be submitted no later than **3:00 p.m., on Thursday, August 30, 2007**. Postmarks will not be accepted. Submit proposals to:

“Proposal to Lease and Operate a Restaurant
and Snack Bar at Arroyo Burro Beach County Park”
Santa Barbara County Parks Department
Administrative Office
610 Mission Canyon Road
Santa Barbara, CA 93105
Attention : Mike Gibson

Contact Person

If the Proposers have any questions regarding the Request for Proposals, they should contact Mike Gibson, Santa Barbara County Parks Business Manager, at (805) 568-2477.

Materials Available for Review

1. Copies of a sample concession lease agreement are available for review at the Parks Department's Administrative Office (address referenced above).
2. Building permit and construction information can be obtained from the Santa Barbara County Planning and Development Department/Building and Safety Division, at 123 E. Anapamu Street, Santa Barbara, CA 93101, (805) 568-3030; and coastal development permit information can be obtained from the City of Santa Barbara/Community Development Department, at 630 Garden Street, Santa Barbara, CA 93101, (805) 564-5470.

PUBLIC INFORMATION NOTICE

All information received from Proposers will be considered confidential during the review process. After the proposal review team completes its evaluation, the team will recommend selection or another action to the County Parks Director who will then make a recommendation to the County Board of Supervisors. At that point, all information, except that information defined below as excluded, will be treated as public information and made available upon request for review to the other Proposers and the public.

All excluded information which contains financial assets, net worth, and other such information of a non-public nature, including real estate appraisals and rating sheets and other notes resulting from the evaluation process, will be treated as confidential information by the County and will not be made available for public review or to other proposing parties.

Exhibits

A – Vicinity Map for Arroyo Burro Beach County Park

B – Current Site Plan for Arroyo Burro Beach County Park Restaurant/Snack Bar

