

REQUEST FOR PROPOSAL - RECREATIONAL VEHICLE RENTAL CONCESSION
SERIAL PR09-04RFP

Purpose: This document defines the basic services required; the proposal procedures; the evaluation criteria; and other factors pertinent to this Request for Proposal (RFP). The purpose of this RFP is to have recreational vehicles ("RVs") be placed on-site within the Maricopa County Regional Parks by a concessionaire ("Selected Proposer" or "Contractor") for the purpose of renting out to the recreating public. The desire of Maricopa County Regional Parks is that the concession is a year-round operation and that RVs be sited in all parks with the exception of Adobe Dam Regional Park, Buckeye Hills Regional Park and Spur Cross Ranch Conservation Area; however, will accept Proposals for only select parks resulting in more than one Selected Proposer. The Successful Proposer shall furnish all labor, materials, equipment, permits, environmental compliance and insurance to perform the tasks required. The Successful Proposer will be responsible for any housing/hotel/renter requirements and for establishing any age restrictions for renters, i.e. 18 years or older.

Release

Date: **February 12, 2009**

Location: Maricopa County Regional Parks, Maricopa County Arizona, is hereinafter referred to as "County" or "Parks."

Proposal: Shall be a submission pursuant to the terms of this RFP by a qualified entity ("Proposer" or "Proposers") and shall consist of a proposal to: (1) provide and place an RV on sites designated by County; (2) manage, in coordination with County, RV rental agreements with the recreating public; and (3) maintain and replace the RV on a scheduled basis. The Proposer must identify the specific park(s) for which the proposal pertains.

Forms: Copies of the Request for Proposal may be obtained from County at Maricopa County Parks and Recreation Department 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004, Phone: (602) 506-2930, or by downloading from the Website at www.maricopa.gov/parks.

Pre-Proposal: A **Mandatory** Pre-Proposal Conference shall be held at the Maricopa Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004 at **9:00 a.m. (Mountain Standard Time) on Thursday, February 26, 2009. Proposals from non-attendees shall not be considered.** Potential Proposers should meet at the appointed time. Late arrivals shall be denied entry. Parks and Recreation staff shall make a brief presentation and questions shall be answered. If requested by attendees, copies of oral and written questions and responses shall be sent to all attendees. **Please bring a copy of the RFP with all Exhibits and Appendixes.**

RFP Costs: *Proposers are not entitled to recover any Proposal preparation costs or other costs or damages.*

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Due Date: Proposals are due at the Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004, not later than **3:00 p.m. (Mountain Standard Time)** on **Thursday, March 26, 2009**. **Late Proposals shall not be accepted.**

All Proposals must be submitted in the format identified in the RFP. The Maricopa County Board of Supervisors reserves the right to reject any and all Proposals.

All Proposals are to be sealed, signed, and marked: **Recreational Vehicle Rental Concession – Serial PR09-04-RFP**. All inquiries relative to this Solicitation should be directed to Tom Timmons, Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004; Phone: (602) 506-3998; or via e-mail to: tomtimmons@mail.maricopa.gov.

All Proposals shall be submitted to:

**Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004**

ATTENDANCE IS MANDATORY AT THE PRE-PROPOSAL CONFERENCE

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1.0 INTRODUCTION.

1.1 Scope and Intent.

- 1.1.1 Maricopa County, a political subdivision of the State of Arizona, hereinafter known as “County” is soliciting proposals from qualified proposers to meet basic services which encompass 1) to provide and place RVs on approved camping sites throughout the Maricopa County Parks System; (See **Appendix 1.1.1 – Location of Parks**) 2) manage, in coordination with County, RV rental agreements with the recreating public for use of the RV at the authorized site to include such responsibilities as the making of reservations, check-in and check-out procedures, renter orientation on use of the RV, etc.; and 3) maintain, replace or rotate the RV on a scheduled basis. The intent of the RV Concession is to enhance those recreation opportunities currently available or projected throughout the Maricopa County Regional Parks. RV sites will be based upon availability at the time reservations are made. As part of a negotiated Special Use Agreement (“Agreement”), the “Selected Proposer(s)” would be responsible for providing, operating and maintaining the RV. The Selected Proposer, unless otherwise stated in the final Agreement, shall be responsible for delivery and set-up on the designated RV site; the re-stocking of expendables, clean linen, cleaning of the RV; emptying the holding tanks and refilling of propane, water, etc. between renters; establishing of a rental agreement; and establishing any minimum age requirements for personnel who enter into a rental agreement. The Selected Proposer(s) would be responsible for all damage to the RV. The concession(s) would be “for profit” concessions of which the Selected Proposer(s) would charge the public a fee for the services provided from which a portion of revenue would be returned to the County in the form of a fee payment. The desire of County is that the concession shall be a year-round operation; however, the numbers of RVs available may change seasonally.
- 1.1.2 County is conducting a competitive selection process to obtain these services. It is the intent to use the RFP process described herein to select one or more qualified Proposers to provide those services desired by County that shall enhance the recreational opportunities, or is in support of those opportunities, currently available to residents of Maricopa County. The Proposer shall submit “park specific” proposals. The Proposer may submit a proposal for multiple parks; however, the Proposal must clearly indicate to which park(s) the submission is in response. The Proposer is not required to incorporate all parks.

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- 1.1.3 The Selected Proposer shall provide RVs to occupy designated RV sites, to include “dry” RV sites, i.e. those with no utility hook-ups, located within the various parks. Each respective park, based upon availability, shall designate the sites to be occupied. Sites are on a “first-come, first – serve basis; however, Selected Proposers will be entitled, as part of the reservation system, to have sites set-aside for them, but must occupy that site by 9:00 a.m. the morning the reservation period begins. Failure to do so will result in the site being available for the normal public. Services available within each respective park are listed in **Appendix 1.4.3 – Parks’ Recreation Overview and Appendix 1.5.3 – RV Site Overview**. If the Proposer desires to occupy only “dry” camp sites, this must be stated in the Proposal to include the number of sites and in which park. As part of the Proposal, each Proposer shall state the number and type of RV sites, per park, they desire to occupy. The negotiated number of sites to be occupied by the Selected Proposer shall be incorporated into the final Agreement.
- 1.1.4 In the context of this RFP, RV refers to, as a minimum, a fully self-contained, motorized vehicle, trailer, fifth (5th) wheel or pop-up tent camper designed for recreational use; equipped with potable water hookup; potable water storage tank; storage tank for “grey” water (shower or dishwashing water); storage tank for “black” water (sewage); capable of using electrical power; generator for electrical power; refrigeration; air conditioning; approved heating source; approved cooking source; and sleeping area(s). Specific size of the RV shall not be a requirement of the RFP; however, the desire of County is that the RV shall sleep a minimum of four (4) people in an approved sleeping area which could include bedroom, bunks, pull-out couch or table that converts to a sleeping area. In the Proposal, it is the responsibility of the Proposer to state the representative size, type, amenities and floor plan of each RV proposed to put on respective sites. Photographs of representative RVs are encouraged. Tents shall not be considered RVs for this RFP.
- 1.1.5 RVs used on the site, unless otherwise negotiated, shall not be older than three (3) years from date of manufacturer; must be serviceable; and must be in excellent appearance.
- 1.1.6 Proposed Responsibilities.
- A. County.
- (1) Obtain the required park entrance fee from occupants of the RV site.
 - (2) County is not responsible for security of occupied RV sites.

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- (3) Provide rental information to any prospective users of the RV.
 - (4) Provide all amenities, facilities, services and programs available to other park guests.
 - (5) Hold the designated camp site for the Selected Proposer's RV until 9:00 a.m. of the day the rental period begins. After 9:00 a.m., the site is available for the public use.
- B. Selected Proposer.
- (1) Acquisition of and placement of the RV on the camp site.
 - (2) General housekeeping; restocking of provided housekeeping items; maintenance; repair; and maintenance of the grounds and facilities located on or near the RV site.
 - (3) Provide to the tenant a furnished unit ready to be occupied. As part of the Proposal, the Proposer shall provide a list of items to be furnished, replenished and maintained by the Proposer and items required to be furnished by the tenant.
 - (4) Provide adequate safeguards to ensure security of the RV.
 - (5) Make reservations for use of the RVs.
 - (6) Collection of rental fees. Established rental fees shall include utilities and fees to be paid County as part of the negotiated Agreement.
 - (7) Check-in and check-out of the RVs to include development of the process.
 - (8) Orientation as to use of the RV upon check-in to include providing a copy of Park rules to each user of the RV.
 - (9) Placement of the RV on the camp site not later than 9:00 a.m. the day the reservation begins in order to hold the site for the occupants.

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1.1.7 Concession Guidelines.

Appendix 1.1.7 – Concession Guidelines is provided as a general reference in developing the Proposal.

1.1.8 In the context of this RFP, the Proposer refers to the entity seeking to provide the services required; Entity means functioning as a legal business entity recognized in the State of Arizona; and Concessionaire (“Selected Proposer”) refers to that Proposer that is presented with the opportunity to negotiate a Special Use Agreement (“Agreement”) with County which is the governing agreement between the Selected Proposer and the County. *The terms of the Agreement are subject to negotiation and subject to the approval of the Maricopa County Board of Supervisors.* The purpose of this RFP is to provide notice to prospective Proposers of the general terms of the Agreement. However, the final approved and fully executed Agreement shall constitute the entire agreement between County and the Selected Proposer and shall supersede any and all terms of this RFP.

1.2 Exceptions.

Exceptions to the provisions as stated in the RFP *must be submitted in writing prior to the Pre-Proposal Conference.* Requests shall have necessary supporting documentation in order for Parks to make a written determination as to the Proposer’s eligibility to participate in this solicitation. Exceptions shall be reviewed by Parks. Responses to exceptions shall be provided in writing prior to the date required for Proposals to be submitted. Submit exception requests to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, AZ 85004

1.3 Demographic Trends – Arizona and Maricopa County.

Over sixty percent (60%) of the State’s population lives in Maricopa County.

Demographics:

5 and Under	7.8%
18 and Under	26.4%
65 and Older	12.8%

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Median Household Income (2004)	\$43,696
% Native Hawaiian/Pacific Island	0.2%
% White (Not Hispanic)	59.7%
% Hispanic/Latino	29.2%
% Black	3.8%
% Asian	2.4%
% American Indian/Alaska Native	4.8%

(Source: Arizona Quick Facts from the U.S. Census Bureau) (2006)

Tourism and outdoor recreation continue to be some of the State's greatest sources of revenue.

1.4 History of Maricopa County Regional Parks.

1.4.1 Currently there are ten (10) parks in Maricopa County's Park System, consisting of approximately 120,000 acres, of which an estimated ninety percent (90%) are open desert. (See **Appendix 1.1.1. – Location of Parks**)

1.4.2 Recreation opportunities are endless with miles of trails for hikes, bikes, and horseback rides and designed for multi-use travel. Designating these scenic trails for non-motorized use only allows the public to be safe and enjoy the primitive desert. (See **Appendix 1.5.1 – Parks' Recreation Overview**)

1.4.3 For purposes of this RFP, a Maricopa County Park is defined as all land, structures, facilities and services identified in the RFP pertaining to a specific park within the system of Maricopa County Parks, as well as other additional structures, facilities and services proposed and identified by the Selected Proposer and approved by the County.

1.5 Parks' Recreation Overview.

1.5.1 Existing concessions at each respective park are listed in **Appendix 1.5.1 - Parks Recreation Overview**.

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1.5.2 Annual attendance throughout the Park system was approximately 1.8 million visitors in both FY07 and FY08. (See **Appendix 1.5.2 – Annual Park Attendance**)

1.5.3 Annual number of overnight campers at each respective park occupying an RV site is shown in **Appendix 1.5.3 – RV Site Overview**.

2.0 GOAL.

2.1 It is County's goal, through its Parks and Recreation Department, to have available to residents and visitors of Maricopa County, RVs so that they can take advantage of additional recreational opportunities within the Parks' System.

2.2 It is the expectation of County that the Selected Proposer shall continue to provide RV rental opportunities to the general public for which the scope is set forth in Section 1.1 of this RFP.

2.3 A secondary goal is that through the opportunities presented through the RV concession, there may result in an increased park usage or desire for outdoor recreation involving an RV that the patron owns or rents on their own.

3.0 TERM AND TERMINATION.

3.1 Term.

The term for the Agreement shall be negotiated between the County and the Selected Proposer(s) with the potential for renewal options and if one is contemplated in the Agreement, it is at the sole discretion of County.

3.2 Termination.

3.2.1 As a condition of the negotiated Agreement, a clause for "termination without cause" may be considered.

3.2.2 "Termination for cause" shall be included as part of the Agreement. Representative reasons include, but are not limited to:

A. Termination of the Agreement between Parks and the agency from which Parks acquired the lands which each park is located, i.e. Bureau of Reclamation (BOR) or Bureau of Land Management (BLM).

B. Respective park properties are no longer safe or useful for recreation purposes.

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- C. Regulations make continuation of the Agreement infeasible.
- D. Unsatisfactory performance, determined by County, on the part of the Selected Proposer within the requirements of the Agreement.
- E. Inability of the Selected Proposer and County, collectively known as "Parties" to mutually agree as to the terms and conditions outlined in renewal options, if available, within the Agreement.
- F. The Agreement is subject to termination pursuant to A.R.S. § 38-511.
- G. The Agreement is subject to termination due to the non-appropriation of funding by the County, without any liability to County.

3.2.3 Upon termination of the Agreement, unless otherwise agreed in the Agreement, the Selected Proposer's property shall remain with the Selected Proposer. Improvements to the RV site completed either by the County or the Selected Proposer i.e. shade structures, concrete or asphalt patios, concrete or asphalt RV pads, picnic tables, grills, shall become the property of County. In the event of conflict between the Request for Proposal and the Special Use Agreement, the Special Use Agreement shall prevail.

4.0 RESPONSIBILITIES AND REQUIREMENTS.

4.1 Insurance/Liability.

- 4.1.1 The Selected Proposer shall be required to maintain public liability and property damage insurance in a form acceptable to the County. This shall include naming the County and where applicable, BOR or BLM as an "additional insured entity" on all required insurance coverage or as stipulated in the Special Use Agreement.
- 4.1.2 The Selected Proposer, as appropriate, shall be required to carry Worker's Compensation for statutory limits.
- 4.1.3 The Selected Proposer agrees to indemnify and save harmless the County and where applicable BOR and BLM or any of their dependents, agencies, officers or employees, from and against all loss, expense, damage or claim of any nature whatsoever which is caused by any activity, condition or event arising out of the performance or non-performance of the Selected Proposer.

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4.2 Utilities.

The Selected Proposer shall have access to existing park utilities. The Selected Proposer shall coordinate for usage prior to placing the RV on a respective RV site. The Selected Proposer shall not be required to install additional utilities at the RV sites unless they desire to do so. If additional utilities are installed, the Successful Proposer shall be responsible for coordination with County and all costs associated with design, permitting, and installation.

4.3 Facility and Grounds Maintenance.

4.3.1 The Selected Proposer shall be responsible for maintenance, repair and overall appearance of their RV site, to include all structures, facilities, amenities, and grounds.

4.3.2 The Selected Proposer shall be responsible for ensuring compliance with the Maricopa County Air Pollution Control Regulations and other environmental statutes, regulations and ordinances as they pertain to air quality and other environmental concerns within Maricopa County Parks.

4.3.3 The Selected Proposer shall be responsible for monitoring and maintaining control of bugs, rodents and other related issues that could adversely affect the health of individuals, animals and the environment.

4.4 Construction Plans.

4.4.1 The Selected Proposer, as required, shall be responsible for the submission of concept plans, preliminary plans, final plans and “as-built” plans for any improvements to the RV site, i.e. shade structures, concrete or asphalt patios, concrete or asphalt RV pads, picnic tables or grills. All Plans must be submitted to the appropriate permitting and approving authorities for their review and written approval with a copy to the County’s Parks and Recreation Department for their comment and suggestion. No construction may commence until approval is granted by the appropriate permitting and approving authorities; all permits have been acquired; and the County’s Parks and Recreation Department have approved the general concept of the Plans. NOTICE IS HEREBY PROVIDED that County Parks *does not have the authority to perform technical review or approval. It is the responsibility of the Selected Proposer to determine these requirements.* The Selected Proposer hereby acknowledges that the Maricopa County Department of Parks and Recreation does not have the authority or ability to issue permits or licenses as required pursuant to this RFP or subsequent Agreement or other permitting or licensing agency and the determination of whether the Selected Proposer is in

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compliance with the permitting and licensing requirements is with the respective permitting or licensing agency.

- 4.4.2 In an attempt to assist the Selected Proposer, but with the understanding and agreement by the Selected Proposer that this list may not be all encompassing, permitting and approval authorities, dependent upon the respective park, may include, but may not be limited to: U.S. Army Corps of Engineers (“USACOE”) (404 Permit or waiver thereof); Bureau of Reclamation (“BOR”) (NEPA studies); Bureau of Land Management (“BLM”) (NEPA studies); and the cities or towns of Phoenix, Mesa, Peoria, Buckeye, Cave Creek or Goodyear (regular permitting). Other agencies may include such ones as the Maricopa County Environmental Services (Dust Control Permit) and Maricopa County Planning and Development. Again, it is the responsibility of the Selected Proposer to determine the permitting and approval authorities; permits required; and applicable codes that shall apply.
 - 4.4.3 The Selected Proposer shall be required to comply with all applicable health, building, zoning, fire and safety codes; the American with Disabilities Act; the Architectural Barriers Act; the Uniform Federal Accessibility Act; and the Arizona Native Plant Law.
 - 4.4.4 The Selected Proposer shall be responsible for all costs associated with the planning; permitting; installation of utilities; reimbursement of utilities used; concession site development; construction; improvements; and insurance.
 - 4.4.5 The Selected Proposer, at their expense, shall be responsible for the completion of all applicable environmental studies and for the obtaining of all applicable permits and licenses.
- 4.5 Environmental Compliance.
- 4.5.1 Current Status.

If the Selected Proposer activities result in adverse environmental impacts, the Selected Proposer shall be fully accountable for any resulting site assessment and clean-up cost required to restore the property.
 - 4.5.2 Regulated Uses and Disposal.
 - A. The Selected Proposer, as part of the RFP, shall provide to County a complete list identifying all hazardous material or petroleum products and their approximate quantity that shall be brought on each site. (See **Exhibit J – Hazardous Material or Petroleum Products**) Thereafter, the Selected

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Proposer shall be required to notify Parks only when hazardous materials or petroleum products, in addition to those initially identified with the Proposal, are brought on site. County reserves the right to deny access of any Hazardous Material(s) to its park or to require the Selected Proposer to remove any Hazardous Material(s) the Selected Proposer brought into the respective park or caused to be brought into the respective park at the expense of the Selected Proposer.

- B. Management and proper disposal of all hazardous material is the responsibility of the Selected Proposer. The Selected Proposer shall agree to comply with all environmental laws and regulations and to take such other actions as may be required to protect against environmental liabilities. Any hazardous substances must be disposed of in accordance with all required laws and regulations concerning the use and disposal of such substances. The Selected Proposer shall be required to keep Material Safety Data Sheets and supporting records on site for the identified materials and products. In addition, the Selected Proposer shall be required to retain required documentation relating to the management and disposal of all hazardous material.

4.6 Construction Requirements.

The County has no construction requirements currently identified; however improvements identified to be completed by the Selected Proposer will require the Selected Proposer to be responsible for all costs incurred with the design, permitting and construction of said improvements.

5.0 **GENERAL PROVISIONS.**

5.1 Accident Reporting.

The Selected Proposer shall immediately report to County any event which results in the death or significant injury requiring medical transport or attention to the Selected Proposer's employees, Selected Proposer members, or members of the general public.

5.2 Debris/Obstacles.

Parcels of land available are "as is" and the Selected Proposer is responsible to ensure that there is no debris or obstacles that can interfere with the safe operation of the RV site. The Selected Proposer is responsible, at their cost, for the removal of such debris or obstacles.

5.3 Park Rules and Regulations.

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The Selected Proposer is responsible for ensuring that all individuals using the RV concession are in compliance with the County's Park rules and regulations, to include payment of each park's respective entry fee. These shall be included as part of the Special Use Agreement.

5.4 Emergency Notification.

Agreement, the Selected Proposer shall be required to provide names and contact numbers of, as a minimum, a primary and alternate Point-of-Contact. This information shall be retained by County for emergency notification.

5.5 Emergency Evacuation Plan.

The Selected Proposer shall be responsible for the development of an Emergency Evacuation Plan. The Emergency Evacuation Plan shall be provided to County's Parks and Recreation Department for review and approval.

5.6 Compliance with Laws.

5.6.1 The Selected Proposer shall agree to comply with all applicable federal, state, County, Parks and city statutes, laws, ordinances, rules and regulations as they pertain to the operation RV concession.

5.6.2 Employer Sanctions Law.

- A. The Contractor warrants that it is in compliance with all federal immigration laws and regulations that relate to their employees and their compliance with A.R.S. § 41-4401, subsection A;
- B. That a breach of a warranty under subsection A above shall be deemed a material breach of the contract that is subject to penalties up to and including termination of the contract;
- C. That the contracting government entity retains the legal right to inspect the papers of any Contractor or subcontractor employee who works on the contract to ensure that the Contractor or subcontractor is complying with the warranty provided under subsection A above and that the Contractor agrees to make all papers and employment records of said employee(s) available during normal working hours in order to facilitate such an inspection;

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D. That nothing herein shall make any Contractor or subcontractor an agent or employee of the contracting government entity.

5.6.3 The RV concession shall be open to the public and otherwise enhance public recreational uses at the proposed parks. No person shall be denied use of the RV concession because of race, sex, age, handicap, disability, color, religion, sexual orientation or national origin.

5.7 Recovery of Costs.

Proposers are not entitled to recover any Proposal preparation costs or other costs or damages associated with the preparation of this Proposal including, but not limited to, the event Parks withdraws the RFP; the event the County does not make an award; County fails to successfully negotiate a Agreement; or County awards the Agreement to another Proposer.

5.8 Proprietary Information.

The Proposer must clearly identify items to be considered as “proprietary” information and that they do not want this information to be part of the public record. **This request must be made in writing and submitted prior to Parks receiving the Proposal.** Requests identifying proprietary information received after receipt of the Proposal shall not be accepted and information submitted shall become part of the public record. County shall make a determination as to accepting or declining the Proposer’s request. As a general guideline, only financial information shall normally be considered proprietary and then only if requested by the Proposer. Requests for proprietary consideration must be sent to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, AZ 85004

5.9 Rejection of Proposals.

If determined to be in the best interest of County, County reserves the right to reject any and all Proposals received in response to this RFP. County agrees to take reasonable care to protect any proprietary information identified by the Proposers received as part of their RFP response.

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5.10 Reports.

Reporting and retention pertaining to financial records and attendance reports shall be outlined in the Agreement.

6.0 **FEES.**

During the term of the Agreement, the Selected Proposer shall be required to pay County a fee at a rate and frequency as agreed to in the Agreement. (See **Exhibit K – Fee Schedule**) This fee is independent of the park entry fee that shall be paid to Parks by each visitor upon entry to a park.

7.0 **RFP GUIDELINES AND PROCESS.**

7.1 General.

7.1.1 Modifications.

County may institute changes or modifications to the RFP specifications and if done so, shall notify all participants in a timely manner by an addendum to this RFP.

7.1.2 Negotiation.

Aspects of the Agreement, unless restricted by the RFP, are subject to negotiation.

7.1.3 Proposal Withdrawal.

If at any time prior to the selection of the Selected Proposal a Proposer decides to withdraw their Proposal, that Proposer is requested to give written notice to Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N. Central Avenue, Suite 6400, Phoenix, Arizona 85004.

7.1.4 Award Consideration.

Consideration for award shall only be made to Proposers whose Proposal best meets the criteria stated in the RFP; for Proposers who can best demonstrate the knowledge and resources necessary to commit and succeed with the Proposal submitted; that there has been no previous contract performance issues with Maricopa County or its Parks and Recreation Department; and who demonstrate the required qualifications and experience to succeed with the RV concession.

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7.1.5 Incorporation of the Proposal into the Agreement.

The contents of the RFP and the Selected Proposer responses are incorporated, in total, into any Agreement. Where the Agreement is in conflict with the RFP or response, the Agreement shall control.

7.1.6 Financial Status.

- A. County reserves the right to require the Proposer to provide County with unrestricted access to their financial records. All Proposers shall make available, upon request, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate resources to operate and maintain the RV concession. Failure or refusal to provide this information within five (5) business days after requested, County may find this to be sufficient grounds to reject a Proposal.
- B. If this is a new business entity created for the purpose of responding to this RFP, then the following information must be made available upon request:
 - (1) Names and addresses of all individuals with a five percent (5%) or more interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for three (3) years for each individual identified above.
- C. By submitting a Proposal in response to this RFP, the Proposer agrees to provide County, in writing, with any relevant information requested if the Proposer becomes involved as a debtor: **(Exhibit H – Litigation, Claims or Judgments)**
 - (1) In a bankruptcy proceeding.
 - (2) In a reorganization, dissolution or liquidation proceeding.
 - (3) If a trustee or receiver is appointed over all or a substantial portion of the property of the Proposer under federal bankruptcy law or any state insolvency law.
- D. County reserves the right to take any action available to it, if it discovers a failure to provide such information.

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7.1.7 Competition, Non-Collusion and Conflict of Interest.

The Proposer expressly warrants and certifies so as not to foster a non-competitive business environment:

- A. That neither the Proposer, its employees, or associates, either by themselves or through an LLC, partnership, corporation, or any other entity, currently possesses any commercial interests adjacent to or near a Maricopa County Park that shall compete with major recreational amenities currently being offered.
- B. That neither the Proposer nor its employees or associates has directly or indirectly entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free competitive bidding in conjunction with this Proposal.
- C. That the Proposer is not under any contractual or legal obligation or impediment which could or would conflict with the duties and obligations that shall be imposed upon a Selected Proposer to construct, manage, operate and maintain a horse riding or horse stable concession for the benefit of County and the users of that horse riding or horse stable concession.

7.1.8 Public Record.

In accordance with the Maricopa County Procurement Code, all information submitted relating to this Proposal, *except for proprietary information identified with Proposal submission*, shall become part of the public record upon the Parties signing and the Board of Supervisors formally approving an award (Special Use Agreement).

7.1.9 Inquiries.

Should there be a discrepancy, omission, or any questions pertaining to the RFP, notify the Parks and Recreation Department's Contract Administrator in writing, at the address below, **not later than 15 - days prior to the date for receiving Proposals**. As such, the latest date and time for submitting requests for addenda shall be on **(March 11, 2009) at 5:00 p.m. (Mountain Standard Time)**. **Maricopa County or Parks is not bound by any oral statements or representations**. All questions concerning the interpretation of this document shall be in writing and addressed to:

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Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N Central Avenue, Suite 6400
Phoenix, AZ 85004

7.1.10 Award of Agreement.

- A. The award of any Special Use Agreement shall not be based solely or primarily on revenue, but shall include the evaluation criteria listed in the RFP.
- B. The Evaluation Selection Committee may select one (1) or more Proposals, along with any "Add Alternate Proposals" for Parks and Recreation Department staff to negotiate and finalize the Agreement. Selection of Proposals may also include partial coverage of parks, i.e. submit an RV concession proposal for Estrella Mountain Regional Park and White Tank Mountain Regional Park, but not include any of the other parks. Under no circumstances shall multiple awards be made for the same park.
- C. The Selected Proposer(s) selected by the Evaluation Selection Committee must negotiate a final Agreement with Parks within sixty (60) days of selection. *An extension of this sixty (60)-day period may be granted, in writing, by County through its Parks and Recreation Department.* Parks shall negotiate only with principals or agents of the disclosed principals that are expressly designated in writing by the Selected Proposer(s).
- D. If the negotiation process does not produce a final Agreement with the primary selected Proposer, Parks shall negotiate with the Evaluation Selection Committee's alternate selections under the same constraints and in order of preference.
- E. *The final Agreement may include modifications to the extent necessary, without significantly changing the Scope of the Proposal, to arrive at a mutually acceptable Agreement between County and the Selected Proposer. Any deviations from the proposed Agreement, or any alternative or special conditions required by the Selected Proposer, should be clearly stated in the Proposal submitted.*
- F. The Agreement shall be forwarded to Maricopa County Board of Supervisors for final approval.

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7.2 Instructions for Preparing the Proposal.

7.2.1 Proposers are to provide one (1) original and five (5) copies of their Proposal. All copies shall be clearly marked as to being an original or copy.

7.2.2 Proposers are required to provide one (1) CD of their Proposal with the original document.

7.2.3 Proposers are to address Proposals, identified with title and return address, to:

Maricopa County Parks and Recreation Department
Attn: Contract Administrator
234 N. Central Avenue, Suite 6400
Phoenix, Arizona 85004

7.3 Format and Content.

7.3.1 The Proposal submitted must be specific and complete in every detail. Proposals shall be all-inclusive in detailing the proposal. They should be practical; prepared simply and economically; and provide a straightforward, concise delineation of how Proposer shall satisfactorily perform the services being sought. The Proposal may be all inclusive for all parks or select parks. The Proposal must clearly delineate the intention of the Proposer as to the specifics of their proposal and the park being requested. This information is critical to the Evaluation Selection Committee as it shall be a determining factor as to the selection of additional concessionaires in order to provide maximum recreational opportunities to the people of Maricopa County throughout the Parks' System.

7.3.2 To aid in the evaluation, all Proposals shall follow the general format listed below; shall be tabbed; and each copy shall be presented in its own 3-ring binder.

A. Table of Contents.

B. Short introduction and summary as to how the proposal shall accomplish the scope and intent of this RFP.

C. Narrative.

Provide a narrative as to all aspects of the Proposal. As a minimum, items to be discussed in detail are:

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- (1) Description of the RV concession to include how it shall supplement the existing recreation concessions currently located throughout the Maricopa County Regional Parks. Identify the “target audience” to whom concessions shall be directed. Identify specifically what parks the Proposal pertains to and the quantity of RV sites proposed in each park for use by the RV concession.
- (2) Identify the number of RV sites desired for your concession in each respective park.
- (3) Identify your proposed pricing sheet for services to be provided. Include as a minimum, nightly or weekly fee; security deposit; additional services, etc.
- (4) Identify any special areas, issues or concerns to be considered by the Evaluation Selection Committee and, if a Selected Proposer, areas, issues or concerns that may impact negotiation of a successful Agreement. Examples of these areas include, but are not limited to: health or safety concerns; fee structure for sites occupied, but not having any renters.

7.4 Exhibits to be Included.

Proposals shall include the following Exhibits.

Exhibit A - Contact Person - Provide the name and address of the Proposer for purposes of notification or other communication relating to the Proposal. Proposals must be signed by a business entity official who has been authorized to make such commitments.

Exhibit B - References - Provide three (3) governmental agencies or private firms with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Exhibit C - Principals - Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience in the RV industry with which this Proposal relates. You are encouraged to include photographs, videos or any other graphic presentations to demonstrate “like” concessions or business ventures for which you have managed, operated and maintained.

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Exhibit D - Operations Plan - Describe in detail your operations plan. Include hours of operation, days of operation and number of months, to include the proposed months, per Calendar Year that the RV concession shall be available to the public; proposed rates; RV rotation cycle; number of persons working at the concession and their job functions. Be sure to include the proposed major programs or services you intend to provide. Describe any participation in community-sponsored events (e.g. special events for disadvantaged children to where additional RVs would be brought to a respective park and the RVs would be set-up in a group camp environment). The desire of County is that the concession be operational year-round.

Exhibit E - Marketing Plan - Provide information describing how you intend to market the concession. This statement should provide Parks with a clear understanding of any unique qualities of the Proposal.

Exhibit F - Demonstration of Environmental Excellence - Describe the experience of your organization in demonstrating excellence in environmental protection including preservation principles, methods, and techniques. Include knowledge of environmental laws as they apply to operation of the RV concession.

Exhibit G - Additional Services - Describe any additional services or programs which you desire to provide.

Exhibit H - Litigation, Claims or Judgments - Provide detailed information of any type of litigation, judgments, claims, or governmental investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

Exhibit I - Previous Performance on County or Parks Agreements - Provide a brief summary of your past performance and evaluation on any prior departmental or closely related County or Parks agreements.

Exhibit J - Hazardous Material or Petroleum Products - Provide a detailed list of all hazardous material or petroleum products and approximate quantities initially to be brought on site.

Exhibit K - Fee Schedule - State your proposed fee schedule to be paid to County Parks. Currently Parks charges \$20.00 per night for a developed camping site with hook-ups.

Exhibit L - Financial Plan –

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- (A) All Proposers shall make available, within five (5)-days of being requested by County, current audited financial statements that reflect the assets and liabilities of the Proposer. This is required in order to determine if the Proposer has adequate resources to provide RVs for, operate and maintain the RV concession. Failure or refusal to provide this information may be sufficient grounds for County to reject a Proposal.
- (B) If this is a new business entity created for the purpose of responding to this RFP, then the following must be made available upon request:
 - (1) Names and addresses of all individuals with a five (5%) percent, or more, interest in outstanding shares or ownership interest.
 - (2) Financial statements of each individual identified above.
 - (3) Tax returns for three (3) years for each individual identified above.
- (C) Include a financing plan specifying how the Proposal shall be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

Exhibit M - Cash Flow Analysis Pro-Forma – Complete all aspects of the enclosed pro-forma cash flow analysis that apply to your Proposal.

Exhibit N – Site Occupation Timeline – Detail the anticipated timeline for initial site occupation of the proposed RV concession, by respective park.

7.5 Evaluation and Approval Process.

Proposals shall be evaluated by an Evaluation Selection Committee. The evaluation and approval process is comprised of the following steps:

- Step 1: Review of all Proposals for conformance to this Request for Proposal.
- Step 2: The elimination of all Proposals which deviate substantially from the basic intent of the solicitation and notification to Proposer.
- Step 3: An evaluation of the remaining Proposals. County may retain a consultant to assist in evaluating the Proposals.

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- Step 4: If required, presentation(s) of Proposals by Proposers.
- Step 5: Selection of Proposals (and possible alternate Proposals) to negotiate an Agreement.
- Step 6: Negotiation and finalization of the Agreement by Parks' Staff and the Selected Proposer.
- Step 7: Present the Agreement to the Board of Supervisors for approval.
- Step 8: Notification to non-selected Proposers after approval of the Agreement by the Board of Supervisors.

7.6 Evaluation Selection Factors. (See **Appendix 7.6 – Evaluation Selection Factors**)

The following factors or categories shall be considered in the evaluation of individual proposals:

7.6.1 Completeness of the Proposal.

Response to RFP provisions to include the Proposer's references; experience; and presentation (if required).

7.6.2 Development Plan.

- A. Overall concept of how the Proposal supports the County Park's mission and how does it compliment the other concessions currently located or projected for each respective park. Expand on the Proposer's management qualifications and experience with this RV concession. Include photographs, graphics, etc. of the prior facilities.
- B. The Proposer's timetable for becoming operational.
- C. The Proposer's plan for additional services.
- D. The Proposer's concern for environmental issues and knowledge of environmental laws.

7.6.3 Management and Operations Plan.

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- A. Management qualifications.
- B. Operations plan.
- C. The financial strength and capability of the Proposer.

7.6.4 Revenue.

- A. Percentage proposed to County by year.
- B. Annual guaranteed minimum to County by year.

7.6.5 Overall.

- A. Overall strength of the Proposal.
- B. Previous County or County Parks' performance.

7.7 Schedule of Events.

Unless stated otherwise in the RFP, all dates are approximate and are to be used for planning purposes only.

- (A) Request for Proposal Released: **February 12, 2009.**
- (B) **Mandatory** Pre-Proposal Conference: **9:00 a.m. (Mountain Standard Time) Thursday, February 26, 2009** at Maricopa County Parks and Recreation Department, 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004. **Please bring a copy of the RFP with all Exhibits and Appendixes. Please bring a business card to the Pre-Proposal Conference.** (See Appendix 7.7 – **Administrative Instructions For The Pre-Proposal Conference**)
- (C) Deadline for Submission of Proposals: **Thursday, March 26, 2009.** All Proposals must be received before **3:00 p.m. (Mountain Standard Time)** on the above date at Maricopa County Parks and Recreation Department, Attn: Contract Administrator, 234 N, Central Avenue, Suite 6400, Phoenix, Arizona 85004.
- (D) Approximate Dates for completion of Review of Proposals: **Within thirty (30) days of submission of Proposals.**
- (E) Approximate Date of Proposer's Presentations (if necessary): **Within ten (10) days of completion of review of Proposals.**

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- (F) Submission of Evaluation Selection Committee's Recommendation of the Selected Proposer to the Director, Maricopa County Parks and Recreation Department and the Director's concurrence or rejection: **Within ten (10) days of Proposer's Presentation and final Evaluation Committee recommendation.**
- (G) Director's Concurrence; Resolution of any outstanding issues between Director and Evaluation Selection Committee: **Within ten (10) days of submission of initial recommendation to the Director.**
- (H) Approximate Date of Negotiations being completed with the Selected Proposer (if selected): **Within sixty (60) days of completion of the Director's concurrence with the Evaluation Committee's recommendation.**
- (I) Approximate Date of Board of Supervisors to Approve the Agreement: **Within thirty (30) days upon successful negotiation of a Special Use Agreement.**

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PROPOSAL CHECKLIST

All Proposals Must Contain The Following Information:

- Table of Contents
- Short Introduction and summary of the Proposal
- Narrative
- Contact Person (Exhibit A)
- References (Exhibit B)
- Principals (Exhibit C)
- Operations Plan (Exhibit D)
- Marketing Plan (Exhibit E)
- Demonstration of Environmental Excellence (Exhibit F)
- Additional Services (Exhibit G)
- Litigation, Claims or Judgments (Exhibit H)
- Previous Performance on County or Parks Agreements (Exhibit I)
- Hazardous Material or Petroleum Products (Exhibit J)
- Fee Schedule (Exhibit K)
- Financial Plan (Exhibit L)
- Cash Flow Analysis Pro-Forma (Exhibit M)
- Site Occupation Timeline (Exhibit N)

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EXHIBIT A – CONTACT PERSON

Proposer certifies that he has read, understands, and shall fully and faithfully comply with this Request for Proposal, its attachments, and any referenced documents.

Name of Respondent Company: _____

Company's Legal Name if Different than Above: _____

Address: _____

Telephone Number: () _____

Fax Number: () _____

Contact Person: _____

Title: _____

Contact Person's Telephone Number if Different than Above: () _____

Parent Company (If any): _____

Authorized Signature: _____

Printed Name: _____

Title: _____

Date: _____

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EXHIBIT B - REFERENCES

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 1

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 2

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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Exhibit B – References (Continued)

List three (3) governmental agencies, or private firms, with whom you have conducted business transactions during the past three (3) years. At least two (2) of the references named are to have knowledge of your debt payment history.

Reference No. 3

Name: _____

Firm: _____

Title: _____

Address: _____

Telephone: _____

Fax: _____

Nature and magnitude of business association, etc.:

Signature of Proposer

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EXHIBIT C - PRINCIPALS

Enumerate, in detail, the duration and extent of the business experience of the principals, with special emphasis upon experience with the type concession proposed as it relates to operation, management and maintenance of the proposed RV concession.

Include photographs, videos or any other graphic presentations to demonstrate the level of experience with the proposed concession or similar type concession.

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EXHIBIT D –OPERATIONS PLAN

Describe in detail your operations plan. Include hours and days of operation; number of months of operation; proposed rates; RV rotation cycle; number of persons working at the concession and their job functions. Include the proposed major programs or services you intend to provide. Describe any participation in community - sponsored events (e.g. special events for disadvantaged children in a group camp environment).

Please clearly state which parks your proposal shall pertain to.

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EXHIBIT E – MARKETING PLAN

Provide information describing how you intend to market the concession. This statement should provide County with a clear understanding of any unique qualities of the Proposal.

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EXHIBIT F – DEMONSTRATION OF ENVIRONMENTAL EXCELLENCE

Describe the experience of your organization in demonstrating excellence in environmental protection including preservation principles, methods and techniques. Include knowledge of environmental laws as they apply to operation of the concession.

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EXHIBIT G – ADDITIONAL SERVICES

Describe any services or programs which you desire to provide.

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EXHIBIT H – LITIGATION, CLAIMS OR JUDGMENTS

Provide detailed information of any type of litigation, claims, judgments or government investigations (previous or pending) involving any principal, participant, individual financial backer or investment group, or legal business entity associated with this Proposal.

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EXHIBIT I – PREVIOUS PERFORMANCE ON COUNTY OR PARKS CONTRACTS

Provide a brief summary of your past performance and evaluations received on any prior or closely related County, County Parks or other department or agency contract or agreement.

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EXHIBIT J – HAZARDOUS MATERIAL OR PETROLEUM PRODUCTS

Provide a detailed list of all hazardous material or petroleum products and approximate quantity of each that shall be initially brought to the concession site.

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EXHIBIT K – FEE SCHEDULE

State your proposed fee schedule to be paid to County Parks. Currently Parks charges \$20.00 per night for a developed camping site with hook-ups.

This shall be further defined in the Agreement.

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EXHIBIT L – FINANCIAL PLAN

Include a financing plan specifying how the proposed concession shall be financed. Also include documentation supporting the internal availability of equity funds to finance any part of your Proposal not financed with debt. Documentation should specifically include identification of possible lenders and terms; audited financial statements from the Proposer and joint venture partners; and copies of relevant corporate or individual income tax returns.

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Computer	_____	_____	_____	_____	_____
Taxes	_____	_____	_____	_____	_____
Contractual Services: (Pest Control, janitorial services, etc.)	_____	_____	_____	_____	_____
Automobile	_____	_____	_____	_____	_____
Supplies	_____	_____	_____	_____	_____
Travel	_____	_____	_____	_____	_____
Permits	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____

FIXED EXPENSES

Rent to Parks	_____	_____	_____	_____	_____
Interest	_____	_____	_____	_____	_____
Other:	_____	_____	_____	_____	_____
TOTAL EXPENSES	_____	_____	_____	_____	_____

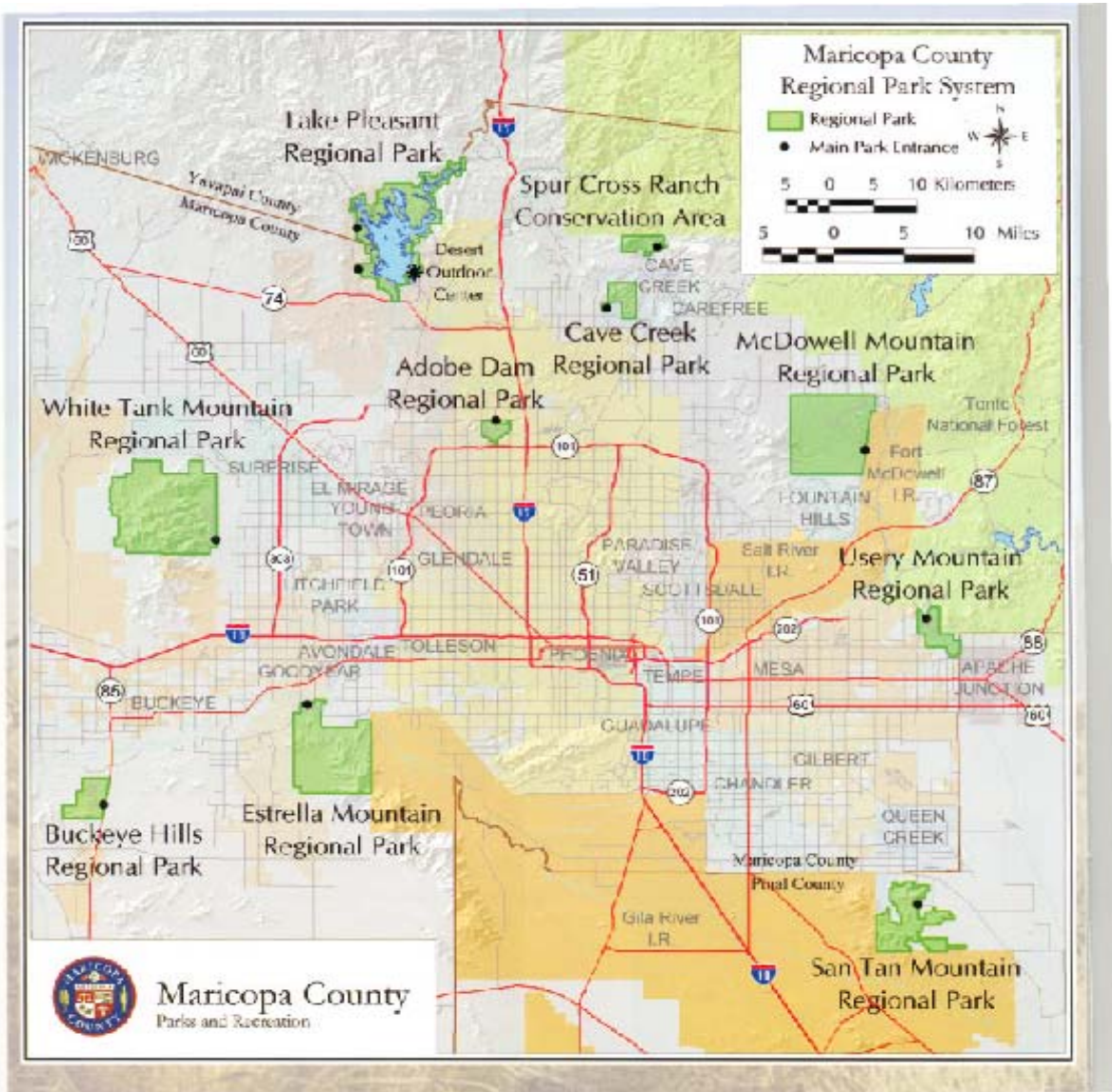
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EXHIBIT N – SITE OCCUPATION TIMELINE

Detail the anticipated timeline for initial occupation of the proposed RV concession by respective park.

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APPENDIX 1.1.1 –PARK LOCATIONS



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APPENDIX 1.1.7 – CONCESSION GUIDELINES

1. The desire of County is to expand recreational opportunities available to the recreating public through an RV concession. Guidelines for concession development are stated below.
 - 1.1 Must be family-oriented and not be offensive to the general population.
 - 1.2 No person shall be denied use of the facility because of race, sex, age, handicap, disability, color, religion, sexual orientation, or national origin.
 - 1.3 The Proposer shall conform to all applicable laws, regulations, codes, etc. e.g. immigration, health, building, zoning and safety codes.
 - 1.4 The Proposer agrees it shall not discriminate against any employee or applicant for employment because of race, sex, age, religion, national origin or disability.
 - 1.5 The Selected Proposer shall be responsible for all costs associated with the planning, permitting; installation of utilities (as required); payment of utilities (incorporated into fee structure); procurement of the required RVs; maintenance and replacement of said RVs; making of reservations; check-in and check-out process; licensing of said RVs; additional RV concession site improvements; and required insurance.
 - 1.6 The Selected Proposer agrees to indemnify and save harmless the County, BOR or BLM (as appropriate) or any of their departments, agencies, officers or employees, from and against all loss, expense, damage or claim on any nature whatsoever which is caused by any activity, condition or event arising out of the performance or nonperformance of the Proposer.
 - 1.7 Between tenants, furnish and re-stock housekeeping items and expendables as agreed upon in the final Agreement.
2. All RV concession site improvements must be approved by Parks from a non-technical perspective and then by the appropriate planning and permitting agencies.

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APPENDIX 1.5.1 – PARKS' RECREATION OVERVIEW

See Separate Appendix

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APPENDIX 1.5.2 – ANNUAL PARK ATTENDANCE

	FY07	FY08
* Adobe Dam	428,539	388,816
** Buckeye Hills	0	0
Cave Creek	52,266	60,667
Desert Outdoor Center	18,395	21,353
*** Estrella Mountain	164,449	177,099
Lake Pleasant	699,057	674,210
McDowell Mountain	77,464	76,423
San Tan Mountain	20,192	40,533
Spur Cross Ranch	16,423	19,640
Usery Mountain	141,078	155,741
White Tank Mountain	171,651	203,852
Total	1,789,514	1,818,334

FY07: July 1, 2006 - June 30, 2007

FY08: July 1, 2007 - June 30, 2008

* The Aquatic Facility is open May - September

** No attendance records kept

*** Includes Estrella Golf Course

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APPENDIX 1.5.3 – OVERNIGHT CAMPERS

See Separate Appendix

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APPENDIX 7.6 – EVALUATION SELECTION FACTORS

Evaluation Criteria	Maximum Points
Completeness of Proposal	100
Responses to RFP Provisions	60
Proposer's References	35
Proposer's Presentation (if required)	5
Development Plan	350
Overall Concept - Supports Parks' Mission and other Concessions	125
Timetable for Development	125
Additional Services or Improvements Beyond Scope	50
Environmental Considerations	50
Management and Operations Plan	350
Management Qualifications	110
Operations Plan	120
Financial Strength and Capability	120
Revenue	100
% Proposed to County	50
Guaranteed Minimum to Parks	50
Overall	100
Overall Strength of Proposal	75
Previous Parks Performance	25
	1,000

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**APPENDIX 7.7 – ADMINISTRATIVE INSTRUCTIONS FOR THE PRE-PROPOSAL
CONFERENCE**

Date: February 26, 2009

Time: 9:00 a.m.

Location: 234 N. Central Avenue, Suite 6400, Phoenix, AZ 85004

Agenda:

9:00 a.m. – 9:15 a.m.	Opening Remarks
9:15 a.m. – 10:30 a.m.	Introduction: Scope and Intent; Exceptions; Demographic Trends; Discuss RFP Highlights
10:30 a.m. – 10:45 a.m.	Break
10:45 a.m. – 11:30 a.m.	Questions; Answers; Clarification
11:30 a.m. – 12:00 p.m.	Wrap Up

Administrative Notes:

1. Bring the RFP with all exhibits and appendixes to the Pre-Proposal Conference.
2. Bring a business card to be retained by Parks.
3. Be on time – doors shall close at 9:00 a.m. and entry shall be denied after 9:00 a.m.
4. Allow extra time for parking due to construction and traffic congestion.
5. Parking is limited. There is some street parking (generally metered); parking garages are located between Central Avenue and 1st Avenue on Van Buren and 2nd Avenue and Van Buren. County Parks does not validate parking.