

**PORT SAN LUIS HARBOR DISTRICT
REQUEST FOR PROPOSALS
FOR LICENSE TO DO BUSINESS ON DISTRICT PROPERTY**

1) KEY REQUEST FOR PROPOSALS DATES

Request for Proposals Issued:	September 4, 2018
Deadline for Submission of Questions:	September 18, 2018
Answers to Written Questions Posted on Website:	September 20, 2018
Proposals are Due:	October 2, 2018, 4:30 p.m.
Notification of Interviews:	October 16, 2018
Finalists Interviewed:	October 25, 2018
Property Committee Review:	November 8, 2018
Proposed to Harbor Commission for Approval:	November 27, 2018

2) INTRODUCTION

Port San Luis Harbor District (District) is issuing a Request for Proposals (RFP) from businesses, organizations, or individuals that wish to conduct commercial or non-profit activities on District property.

The District manages pier and beach operations in Avila Beach, California. The District issues annual licenses to a certain number of vendors or concessionaires to operate businesses on District property. Licenses are only issued for movable vendors. A movable vendor is defined as:

“Concessionaires selling or renting beach gear (e.g., suntan lotion, beach chairs) or providing services (e.g., event planners, instructors) or other products from portable stands, carts, or other facilities that are removed from the site after business hours. A movable vendor does not have real property rights.”

Based on its evaluation of the proposals received in response to this RFP (Proposals), the District may select Respondents to enter into negotiations for an agreement substantially similar to Appendix A, 2019 Monthly Revocable License (Agreement). The agreement will allow the Respondents to sell, rent and/or perform services on District property. The Agreement, at the sole discretion of the District, may be extended for two (2) additional years without a competitive proposal process as long as the licensee meets minimum requirements as defined by the District. A licensee must be in compliance with the Agreement and abide by all District ordinances and relevant laws and regulations to be considered for extension.

There is no expressed or implied obligation for the District to reimburse Respondents for any expenses incurred in preparing proposals in response to this request.

The selection of any Respondent for negotiations shall not imply the District’s acceptance of all terms of the Respondent’s submittal; terms may be subject to further negotiation. The District shall have no obligation unless and until a final Agreement is entered into by the parties following approval by the District’s Harbor Commission. The District may terminate the Agreement at any time.

Proposals must be received by the District no later than 4:30 p.m. on Tuesday, October 2, 2018 at the following address:

Port San Luis Harbor District
 3950 Avila Beach Dr.
 P.O. Box 249
 Avila Beach, CA 93424

Responses to this RFP that are not received by the time and date specified or do not contain all the required information, including the non-refundable application fee, shall be deemed non-responsive and rejected without consideration.

Prospective Respondents may obtain copies of this RFP by visiting the District’s website at www.PortSanLuis.com or by contacting Kristen Stout, Business Manager at 805-595-5413 or by email at kristens@portsanluis.com.

3) LICENSE CAPACITY

The use of District property has experienced continual growth over the last few years. The District actively manages use by limiting the availability of licenses by areas. For 2019, the District will accept proposals for the following locations and may issue licenses based on the capacity limits:

- a) Avila Beach: There are four commercial enterprises that have permission in 2019 to use portions of Avila Beach including the Junior Lifeguard camp, surf lessons/instruction, rental of kayaks and stand-up paddleboards, and the rental of beach equipment including boogie boards and wet suits. There is one license that is expiring and that is the business that offers surf lessons/instruction.
- b) Harford Pier: There are four commercial enterprises that have permission in 2019 to use portions of the Harford Pier for sailing charters, power vessel tours, and ocean related merchandise. The license that is expiring is a business that provides ocean related merchandise.
- c) Other: There is one license expiring on the Avila Pier for a business that provides ocean related merchandise.

In addition, the District will limit the number of licenses issued to “like” vendors to two.

Type of Business & Number of Licenses Available	Location		
	Beach	Landing	Other
Sailboat Charter-None Available	-	-	-
Kayak & Stand-up Paddle Board Rentals-None Available	-	-	-
Powered Vessel tours-None Available	-	-	-
Business as proposed- (see District Master Plan for available uses at http://www.portsanluis.com/2149/Master-Plan).	Accepting Proposals	-	Accepting Proposals
Surf Instruction & Summer Camp - Available	1	-	-
Food Vendors- None Available	-	-	-

4) LICENSE PROPOSAL REQUIREMENTS

Interested businesses, organizations and individuals are required to submit the following information. The required information submitted should be in the order listed.

1. Title page showing the Proposal's subject; the business name; the name, address, telephone number and email of the contact person; and the date of the proposal.
2. Table of contents including a clear and complete identification of the materials submitted by section and page number.
3. Business Statement.
4. Business Plan including estimated revenues and costs for the next three years, proposed location and hours of operation.
5. Experience.
6. Listing of at least three references.
7. Certification that the person signing the proposal is entitled to represent the business or organization, empowered to submit the proposal, and authorized to sign an Agreement with the District.
8. State acceptance of standard Monthly Revocable License language or state specific objections.
9. Non-refundable application fee of \$268. If your business or organization meets the following definition of "coastal dependent use" your non-refundable application fee is discounted to \$160.

Coastal Dependent Use:

"Any use which requires a site on, or adjacent to, the sea to be able to function at all including aquaculture, mariculture, recreational boating and fishing; rental, sale or instruction of use of sea water equipment (e.g., kayaks, boogie boards, wet suits, paddle boards); and rental or sale of beach equipment (e.g., beach umbrella, beach chair, beach blanket). Coastal Dependent Use excludes certain uses, including but not limited to weddings, catered events, sale of food, or sale or rental of non-coastal dependent goods, physical fitness classes on the beach, individual gatherings, or church services."

If you are unsure of whether or not you fall under the above definition, please contact the Business Manager to discuss (see contact information below).

If you submit \$160 with your application, and upon receipt of the business plan your business is not considered Coastal Dependent, your Proposal will automatically be rejected.

If you fail to submit your application fee with your application, your Proposal will automatically be rejected.

All proposals shall be received by 4:30 p.m. on October 2, 2018.

5) RESPONDENT EVALUATION PROCESS

The District may select none or all of Respondents' Proposals. The District's Review Team will review and evaluate the Proposals. The Review Team will score the Proposals in accordance with the criteria and methodology described in this RFP. All proposals will be evaluated fairly using the following District goals as guidelines:

- i) Businesses that support coastal dependent and coastal related activities at Port San Luis Harbor District, within the terms of the Harbor District Master Plan.

- ii) Businesses that maximize the public use and enjoyment of the District.
- iii) Businesses that provide the public with quality goods and services.
- iv) Businesses that respect and protect the historical, environmental and cultural resources entrusted to the Harbor District by the people of California.

5.1 Step One: Proposal

Proposals that are complete and have been received by the deadline will be scored as follows:

- Business Statement & Plan Maximum 30 points
- Experience Maximum 25 points
- References Maximum 20 points
- Preference Points* Maximum 25 points

*Preference points will be given to current District lessees and businesses that have a year round store front in the town of Avila Beach or at Harford Landing or Harford Pier. Preference points will also be given for coastal dependent uses.

The maximum total score possible is 100. The Respondents' Proposals will be ranked according to total score. The Review Team will short-list those Proposals that meet a minimum score, as determined by the Review Team (Finalist Respondents). Finalist Respondents will be invited to participate in the final selection process. The final selection process may include the submission of additional information and/or participation in an oral interview.

5.2 Step Two: Interview

The District may invite the Finalist Respondents to participate in oral interviews at a specified time, date, and location. The District shall impose a time limit for each oral interview. During the oral interview, the Finalist Respondents may be required to deliver a brief presentation of their proposal to the District. This will provide an opportunity for the Respondent to clarify or elaborate on their proposal but will in no way change the original proposal. The Respondent will be required to respond to questions from the Review Team, including questions concerning the Respondent's Proposal and presentation. The Review Team will assign points to each Finalist Respondent based on the oral interview up to a maximum of 40 points. The interview phase will be scored as follows:

- Presentation maximum 20 points
- Question and Answers maximum 20 points

At the conclusion of the oral interviews, the Review Team will combine the scores for the Proposal and oral interview for each Finalist Respondents.

In the event of a tie, the District may elect, in its absolute and sole discretion, to break the tie by conducting a tiebreaker between the tied Finalist Respondents.

5.3 Step Three: Negotiation and Invitation to present at District Property Committee Meeting

The highest-ranking Finalists will be selected to negotiate an Agreement with the District. Respondents should review section 8 STANDARD AGREEMENT PROVISIONS below for additional fees associated with the negotiation process. In the event that agreement cannot be reached with the highest-ranking Finalist Respondents as determined by District staff in its sole discretion, negotiations may be entered into with other Respondents in the order of their ranking.

There shall be no binding agreement with any Finalist Respondents unless and until approved by the Harbor Commission, at its sole discretion.

A draft of the Agreement, Finalist Respondents' proposals, and a report from the Review Team will be presented to the District's Property Committee for review and comment. The Finalists may be asked to present their Proposal at the meeting.

5.4 Step Four: Invitation to present at District Harbor Commission Meeting

The District's Property Committee recommendation, Proposals, draft Agreements and the Review Team report shall be presented to the Harbor Commission for review, comment and final approval. The Finalists may be asked to present their Proposal at the meeting.

6) SUBMITTAL PROCEDURES

Three (3) copies of the Proposal and one (1) USB drive with the Proposal in Adobe Portable Document Format (PDF) must be received by the District no later than 4:30 p.m. on October 2, 2018 in a sealed envelope and must be clearly marked "Proposal for 2019 License," at the following address:

Port San Luis Harbor District
3950 Avila Beach Dr.
P.O. Box 249
Avila Beach, CA 93424

Responses to this RFP that are not received by the time and date specified or do not contain all the required information, including the non-refundable application fee, shall be deemed non-responsive and rejected without consideration. Responses to this RFP will not be opened or reviewed prior to the submittal deadline of 4:30 pm on October 2, 2018. It is the responsibility of the Respondent to ensure all required items as listed in Section 4 License Proposal Requirements are completed are included in the submittal.

Beginning on the date this RFP is issued and made available to prospective Respondents, there will be no communications concerning this RFP between members of the District Harbor Commission or District staff and prospective Respondents and their employees or agents, except as provided herein. Questions about the RFP may be directed in writing to the District's Business Manager. The Business Manager will consider all questions received by the close of business on the date noted in the RFP schedule as the deadline for submission of questions and, as appropriate, respond in writing. All responses will be posted on the District website www.portsanluis.com. Any violations of the above restriction will result in the immediate disqualification of the Respondent involved from further participation in the RFP process. This restriction will end when contract award notification has been made.

Questions about the RFP may be directed in writing to:

Port San Luis Harbor District
P.O. Box 249
Avila Beach, Avila Beach CA 93424
(805) 595-5404 fax
Email: kristens@portsanluis.com

Respondents are to promptly notify the Business Manager, in writing, if the Respondent discovers any ambiguity, discrepancy, omission, or other error in this RFP. Respondents may e-mail Business Manager at kristens@portsanluis.com to determine if Respondent has received all addenda.

7) ADDENDA

The District may modify this RFP prior to the date Proposals are due by issuing written addenda. Addenda will be posted on the District's website (www.portsanluis.com). For parties who requested a hard copy of the RFP by regular mail, addenda may be sent to them via regular, first class U.S. mail. All parties, regardless of how they obtained the RFP, are solely responsible for ensuring the receipt of any and all addenda, and should therefore check the website before submitting their Proposals to ensure receipt of all addenda, and to ensure their Proposals respond to any such addenda. Respondents may telephone the District at (805) 595-5413 to determine if Respondent has received all addenda.

8) STANDARD AGREEMENT PROVISIONS

Following negotiations, the selected Respondent(s) will be expected to enter into an agreement substantially in the form of the 2019 Monthly Revocable License, Exhibit A. In addition, Respondent(s) shall be required to submit payment in the amount of \$1,071 or a discounted fee of \$535 for Coastal Dependent uses as defined in section 4.9 of this RFP. This fee will be used to cover the costs of the negotiation and the development of a license agreement. This is a one-time cost and will not be required for annual extensions. Failure to execute the Agreement or make payment, or to furnish any and all insurance certificates and other materials required in the Agreement within five months of Harbor Commission approval, shall be deemed an abandonment of the Respondent's proposal. Amendments to the Monthly Revocable Licenses are not permitted. It is the responsibility of the respondent to fully develop their business proposal and ensure the business plan submitted contains any and all provisions necessary for the proposed business.

9) PROTEST PROCEDURES

9.1 Protest Submittal

A protest describing the nature of the disagreement must be submitted in writing to the District no later than five (5) business days following notification of proposed award.

The letter of protest shall contain a description of the protest and shall be signed and dated. Protests shall be addressed to:

Andrea Lueker, Harbor Manager
Port San Luis Harbor District
P.O. Box 249
Avila Beach, CA 93424

9.2 District's Decision Final

The Harbor Manager shall inform the protester in writing of the decision, stating the reasons for the decision, and responding at least generally to each material issue raised in the protest. The Harbor Manager's letter to the protester shall state that the protester may contact the Harbor Manager to discuss the response, and the protester has the right to address the Harbor

Commission on the date when the Agreements are calendared to be awarded if the Harbor Manager denies the protest.

The decision of the District is final. The protester may seek a remedy in state or federal court, as appropriate, from the final action of the District.