

**CITY OF SAN DIEGO**  
**Fire-Rescue Department, Lifeguard Division**  
**2581 Quivira Court**  
**San Diego, CA 92109**

**REQUEST FOR PROPOSAL**  
**Subject: Kayak Concessions**

**FOR CONSIDERATION AS A RESPONSIVE PROPOSAL, THE FOLLOWING INFORMATION (as specifically described in the RFP) IS REQUIRED:**

- 1) Description of Proposed Operations (see page 6)**
- 2) Resume/Summary of Proposer's Experience**
- 3) References**
- 4) Financial Statements or Tax returns for the last three (3) years signed by Proposer and Financial Representative**
- 5) Credit Information**
- 6) Summary of Employees Qualifications**
- 7) Emergency Response Plan**
- 8) Community Service**
- 9) Deposit (cashier's or certified check \$2,500 payable to City Treasurer)**
- 10) This cover page must be signed with an original signature**
- 11) Proposal must be submitted on or before the exact closing date and time. Proposal received after the exact closing date and time will NOT be considered.**

Company \_\_\_\_\_

Name \_\_\_\_\_

[PRINT OR TYPE]

Federal Tax I.D. No. \_\_\_\_\_

City of San Diego Business License #: \_\_\_\_\_

Signature \_\_\_\_\_

Street Address \_\_\_\_\_

City \_\_\_\_\_

Title \_\_\_\_\_

State \_\_\_\_\_ Zip Code \_\_\_\_\_

Date \_\_\_\_\_

Tel. No. \_\_\_\_\_ Fax No. \_\_\_\_\_

**THE CITY OF SAN DIEGO  
REQUEST FOR PROPOSALS FOR  
KAYAK CONCESSIONS**

**A BACKGROUND**

**1. Purpose.**

- a. The City of San Diego (“CITY”) is issuing a Request for Proposals (“RFP”) from qualified firms or individuals hereafter referred to as “Proposer(s)” to operate kayak concessions (“Concessions”) at La Jolla Shores public boat launch ramp (see Exhibit “A”). The public boat launch ramp is currently used by commercial kayak operators approved by the CITY. The current commercial kayak operators are utilizing the public boat launch ramp under the short term concession permits issued by the CITY in 2009. The terms of these concession permits will expire on March 31, 2012. The boat launch ramp is also used by small boat owners, sport fishermen, and individual kayakers for personal recreational use.
- b. The purpose of this RFP is to select qualified Proposer(s) who will operate Concessions at La Jolla Shores beginning on April 1, 2012 for a three-year period. A Concession agreement (“Agreement”) will be executed with each of the selected Proposer(s) for a three-year period. The CITY’s goal in putting out this RFP is to act in the best interest of the public by having this recreational use operated by qualified Proposer(s). The purpose of this RFP is to reasonably ensure water safety during kayak operations, preserve and maintain to the extent reasonably possible the marine natural environment, and to mitigate and relieve congestion at the boat launch ramp as well as vehicle and pedestrian congestion on Avenida de la Playa.

**2. Description of Operations/RFP Process.**

- a. To ensure a safe and pleasant environment for residents and tourists, kayak operations during the peak summer season defined as the period from June 13th through September 1<sup>st</sup> of each year and Labor Day (Peak Summer Season) will be limited in size and number. The CITY may periodically adjust the size and number of the kayak tours, individual kayak rentals, and other aspects of the operation during the course of the Agreement, at any time of the year, by providing advanced written notice to the selected Proposer(s).
- b. A Tour Schedule (Exhibit B) has been developed to distribute available tour slots during the Peak Summer Season to selected Proposer(s). The Tour Schedule includes a written summer tour schedule that identifies fifty-four (54) total tours per day to be distributed amongst selected Proposer(s). Each tour shall launch and return to the beach at the respective designated times as

set forth in the tour schedule. No kayak operations of any kind are allowed on July 4th.

- c. The number of slots awarded to each of the selected Proposer(s) will be based upon a number of factors including but not limited to: (1) the rank order of the Proposer(s)' response to the RFP; (2) the number of slots requested in the Proposer(s)' operating plan; and (3) Proposer(s)' past kayak tour operations (if any). The selected Proposer(s) will meet or exceed minimum criteria in the RFP to be considered eligible.
- d. The Tour Schedule (Exhibit B) is attached. The CITY reserves the right to allocate specific time slots as part of the RFP process. If the CITY does not allocate time slots, then the method for allocating the time slots will be to utilize a draft and lottery system as set forth below.

Draft and Lottery: A board with the fifty four (54) time slots will be posted from which the draft will be conducted. The draft order will be established with all of the Proposer(s) selected through the RFP process. The draft order for the selected Proposer(s) will be determined by a random lottery drawing. The selected Proposer who drew the first draft pick will begin the draft by selecting a time slot on the Tour Schedule. Thereafter, each selected Proposer will select a time slot based on sequential order of the draft as determined by the random lottery drawing. The selected Proposer with the last draft pick will begin the second round of time slot selections and the order will then continue backwards through draft order. The draft will proceed in a "snake draft" fashion until all time slots are selected.

- e. Kayak Rentals: The CITY's Lifeguard Services and Park and Recreation Department are routinely monitoring use of the public boat launch, the waters of the Pacific Ocean, and pedestrian use of adjacent CITY property. The CITY's goal is to minimize safety concerns at all of these locations. During the Peak Summer Season, selected Proposer(s) will be permitted to rent out no more than twelve (12) kayaks to individuals (non-tour) at any one time.
- f. The CITY reserves the right to make changes to the Tour Schedule and/or the number of individual kayak rentals based on operational and safety considerations. Such changes could happen at any time or during any season (for example, the CITY may limit the number of tours on off-season weekends). The CITY will be providing continuous and ongoing quality control and will review the Tour Schedule at the end of each summer season during the term of each Agreement and review it with the Proposer(s). Based on the results of any such review, the CITY may in its sole discretion make any changes to Concession-related operations it deems necessary.
- g. Each Proposer shall review the Kayak Concession Requirements attached as Exhibit C which contains important additional operational requirements. The

submission of a proposal in response to this RFP will be deemed a complete understanding and agreement on the part of the Proposer to all of the terms and conditions of the Kayak Concession Requirements unless otherwise stated in writing in the submitted proposal.

**3. Maximum Days and Hours of Operation.**

No kayak tour /rental operations are permitted prior to 8:00 a.m. daily. Kayaks must not be deposited at the boat launch prior to 8:00 a.m. and must be removed from the designated storage area by 8:30 p.m. All kayak tours are to be completed and out of the water 15 minutes before sunset daily. Under no circumstances are kayak tour/rental operations permitted on July 4th.

**4. Concession Requirements.**

The CITY's Lifeguard Services has established the **Kayak Concession Requirements attached as Exhibit C, which are to be strictly adhered to by selected Proposer(s) at all times.** Each Proposer shall carefully and comprehensively review the Kayak Concession Requirements (Exhibit C) prior to proposal submission. These requirements may be amended at any time by the CITY at its discretion and each selected Proposer is required to fully abide by all of the terms and conditions of the most current Kayak Concession Requirements.

All business transactions must be conducted within each of the selected Proposer(s)' listed storefront address. Selected Proposer(s) shall meet kayak tour participants inside of the selected Proposer(s)' store and conduct all orientation/training inside of the store or in the training area designated by the CITY. Businesses must have adequate space to accommodate customer volume and kayak inventory. **In order to be considered for Concessions, each of the Proposer(s) must demonstrate the ability to meet this requirement in the proposal.**

The CITY reserves the right to perform inspections and/or reviews with or without advance notice to any of the selected Proposer(s). These inspections and/or reviews may be for any or all aspects related to the Agreement, including but not limited to ensuring that each of the selected Proposer(s): (a) obtains and maintains certificates and qualifications of tour guides; (b) adequately addresses all safety concerns; (c) adheres to the Tour Schedule; and (d) properly maintains all required records pertaining to clients. Violation of any aspect of the Agreement may result in suspension or revocation of the Agreement. With regard to safety, the CITY or any other officer with authority to enforce local, state or federal law, has the right to terminate any tour or individual kayak rental if there is a violation of safety requirements.

**5. Consideration.**

Consideration paid to the CITY by each of the selected Proposer(s) shall be the greater of a percentage of gross income of Ten Percent 10% (“Percentage Fee”) or a guaranteed minimum annual fee (“Minimum Fee”).

The Minimum Fee will be established by the CITY based on historical use (if any) and proposals from each of the selected Proposer(s).

- Percentage Fee is the percentage of gross income derived from kayak tour sales and individual kayak rentals as further defined in the Agreement attached as Exhibit D.
- The annual fee due to the CITY from each of the selected Proposer(s) is the greater of the Minimum Fee or Ten Percent (10 %) of the annual gross income resulting from kayak tours and individual kayak rentals permitted by the Agreement. The Minimum Fee will be adjusted bi-annually to Eighty Percent (80%) of the annual average of actual fees paid to the CITY for the previous two years of operation under the Agreement or to One Hundred Five Percent (105%) of the previous two year’s Minimum Fee, whichever is greater.

**6. Form of Agreement.**

A copy of the Agreement to be executed with each of the selected Proposer(s) is attached as Exhibit D. It is the intent of the CITY that this Agreement be implemented substantially as it is written. However, the CITY reserves the right to negotiate modifications with each of the selected Proposer(s) to the extent deemed necessary by the CITY. The Agreement should be thoroughly read and understood by each of the Proposer(s) prior to the submission of any proposal. Proposer(s) requesting deviations from the provisions of the attached Agreement should state the exact changes sought and specify alternate language in their proposals. Other factors being equal, the CITY will discount a proposal which requests major or numerous changes that are disadvantageous to the CITY.

**7. Responsibility of Proposer(s).**

The selected Proposer(s) will be required to obtain any and all necessary approvals and permits at their sole cost and expense. The award of an Agreement by the CITY is not a waiver of such requirements, which may include business licensing, and others. The Proposer(s) shall be asked to submit evidence to the San Diego Fire-Rescue Department Lifeguard Division prior to commencing operations that they have obtained all necessary permits and licenses.

**8. Tentative Proposal Timeline.**

Opening Date – Issuance of RFP	September 23, 2011
Optional Pre-Submittal Conference	October 12, 2011
Final Opportunity to Submit Questions	October 14, 2011
Closing Date for Receipt of Proposals	October 28, 2011
Selection of Proposers	December 9, 2011
Prepare and Execute Agreements	March 1, 2012
Agreements Begin	April 1, 2012

Note: This timeline does not consider unforeseen factors that could impact the timing of this RFP. It is the intent of the CITY to keep Proposer(s) informed of changes in the timeline as they occur.

**B PROPOSAL CONTENTS**

**1. General Requirements.**

- a. All proposals must include, at a minimum, the information specified below. Failure to include this information in a proposal will significantly detract from the proposal and may be cause for its rejection. The inclusion of any additional information which will assist in the evaluation is encouraged. The adequacy, depth, and clarity of the proposal will influence to a considerable degree its evaluation. The proposal submitted must contain sufficient information and detail such that it is complete enough for a selection to be made from the material contained in it alone.

**2. Specific Proposal Contents.**

- a. **Proposed Agreement Term.** The maximum available term is three years.
- b. **Description of Proposed Operations.** Each of the Proposer(s) must submit a detailed outline of the operation proposed to fulfill the requirements of the Agreement (“Operating Plan”). Operating Plan(s) should cover the period for the first year of operation from April 1, 2012, through March 31, 2013. The information to be contained in the Operating Plan shall include the following information:
  - The number of tours sought, the total number of kayaks to be utilized in the proposed operation, the number of participants per tour, the student to instructor ratios, the days and hours of operation, and a price list must be included. The Operating Plan(s) should also include a brief summary of the material covered during each tour offering. This material might include discussions on topics including marine life, coastal preservation, and water safety procedures.

- Peak Summer Season tour slots will be limited in number and these tours will be distributed among the selected Proposer(s). Each of the Proposer(s) shall provide information on both proposed future summer operations as well as any historical summer kayak tour use. It is suggested Operating Plan(s) for the Peak Summer Season be based on a range of 3-15 tours maximum per day. Reasonable requests will be given the higher ranking.
  - Number of individual kayak rentals (non-tour) possible at a given time.
  - Each of the Proposer(s) shall describe how their Operating Plan will address the various requirements set forth in the Kayak Concession Requirements (Exhibit C).
  - Each of the Proposer(s) shall briefly describe how its business will demonstrate a partnership with the local community minimizing impacts on residents and businesses. For example, a proposal may describe how the Proposer will manage the flow of customer traffic and describe possible parking and/or shuttle plans for customers and employees.
  - Demonstrate space available to accommodate customer volume and kayak inventory.
  - If any Proposer(s) elect to not operate during the Peak Summer Season (June 13 – September 1, and Labor Day), it should be indicated in the proposal.
- c. **Resume or Summary of Proposer’s Experience.** The proposal must include a detailed summary of the experience of the Proposer. Emphasis should be placed on those areas and qualifications which evidence the capability to effectively manage an operation of this type.
- d. **References.** Names, addresses, and telephone numbers of business and banking references shall be included. One or more references of clients for whom the Proposer has recently provided similar services are recommended.
- e. **Financial Statements.** Each of the Proposer(s) must provide the last three (3) years of financial statements or tax returns specific to kayak tours/rentals. Financial statements must be signed by the Proposer(s) and a qualified financial representative. Tax returns must be signed by the Proposer(s) and/or a qualified financial representative. Each of the Proposer(s) must submit a detailed list of all of its assets and liabilities, initial available operating capital and its source, and the amount of any borrowed capital intended to be used for the operation of Concessions pursuant to the Agreement, and its source and

terms of repayment. Also, a statement of estimated gross receipts and operating expenses for term of the Agreement must be provided.

- **Audit.** The CITY, at its discretion, shall have the right to inspect and audit the business of each of the selected Proposer(s), its agents, and licensees operating on, and in connection with, the operation as necessary and appropriate for the CITY to determine the amounts of the Minimum Fee or Percentage Fee due to the CITY in compliance with the requirements of the Agreement. Pursuant to the Agreement, the books of account, records, and supporting documentation of each of the selected Proposer(s) will be kept for at least five (5) years and made available to the CITY. These books and records must be maintained separately from all other accounts not relating to the operation of Concessions under the Agreement.
- f. **Credit Information.** The Credit Request and Release (attached as Exhibit E) must be completed and included as part of the proposal. The CITY will use this information to verify the Proposer's creditworthiness. Other financial data may be required as determined by the CITY.
- g. **Summary of Employees' Qualifications.** Each of the Proposer(s) must provide information regarding the personnel who will participate in carrying out the terms and conditions of the Agreement. In the event an individual has not been selected for a particular position at the time the proposal is submitted, a listing of the experience and qualifications that will be utilized in the selection process must be provided.
- h. **Emergency Response Plan.** Each of the Proposer(s) must provide an Emergency Response Plan which sufficiently demonstrates the Proposer(s)' preparedness to handle any potential emergencies that might occur in conjunction with operating Concessions and implementing the terms and conditions of the Agreement.
- i. **Community Service.** Each of the Proposer(s) must briefly describe (in less than 150 words) how its operation would benefit the CITY and its residents. Any plans that will be implemented under this proposal, as well as any past or current activities conducted by Proposer(s) must be provided. An example of such activities may be charitable donations of tours or rentals to disadvantaged youth, beach clean ups, etc.

## **C PRE-SUBMITTAL CONFERENCE**

To provide Proposer(s) with the opportunity to ask questions about the Agreement, proposal submittal, or related matters, a pre-submittal conference is scheduled on October



12, 2011 from 1:00 p.m. to 3:00 p.m. on at 2125 Park Boulevard, Building 1, San Diego, CA, 92101. All Proposer(s) are strongly urged to attend.

## **D PROPOSAL SUBMISSION**

### **1. Submittal of Proposals.**

Proposals must be received at the address listed below no later than 4:00 p.m. on October 28, 2011. Proposals received after this time will not be considered.

### **2. Delivery of Proposals.**

The delivery of the proposal to the CITY prior to deadline is solely and strictly the responsibility of the Proposer(s). The CITY will in no way be responsible for delays caused by the United States Postal Service or for delays caused by any other occurrence. Hand or mail-deliver to:

City of San Diego  
Lifeguard Division  
2581 Quivira Court  
San Diego, CA 92109

Attention: Gloria Saldivar, Office Manager

### **3. Faithful Performance Deposit.**

All proposals must include a cashier's check or certified check in an amount equal to Two Thousand Five Hundred Dollars (\$2,500.00). The check should be made payable to the "City Treasurer" as a faithful performance deposit to assure the CITY that if the proposal is selected, Proposer(s) will enter in good faith into the Agreement (attached as Exhibit D) containing substantially the same terms and conditions as set forth in this RFP and in the selected proposal. No personal or company checks will be accepted, and no interest will be paid on deposits.

All performance deposits will be returned to unsuccessful Proposer(s) within 30 days of the selection of the winning Proposer(s)' Agreements. For the selected Proposer(s), the deposit will apply towards the security deposit, or additional security deposit, under the Agreement. Should selected Proposer(s) unilaterally withdraw from Agreement negotiations, the deposit will be forfeited to the CITY.

### **4. Number of Copies.**

Proposer(s) must submit one unbound original suitable for reproduction and four bound copies of their proposal. All materials submitted by Proposer(s) become the property of the CITY and shall not be returned.

## 5. Requests for Interpretation or Clarification.

Official interpretation or clarification of the RFP will be made in writing and posted at the website listed below. If discrepancies or omissions are found by any prospective Proposer(s), or there is doubt as to the true meaning of any part of the RFP, a written request for clarification or interpretation must be submitted in writing to the proposal delivery address in Section D2., or by e-mail to John Everhart, Marine Safety Lieutenant, at [jeverhart@san Diego.gov](mailto:jeverhart@san Diego.gov).

To be given consideration, all requests must be received by 4 p.m. October 14, 2011.

The responses to questions will be posted on the CITY'S website at <http://www.sandiego.gov/lifeguards/>. It is the responsibility of each of the Proposer(s) to check the CITY'S website for any responses to requests for interpretation or clarification. Failure of any Proposer(s) to receive any such addendum shall not relieve the Proposer(s) from any obligation contained in this RFP.

## E PROPOSAL EVALUATION

### 1. Evaluation Process.

Each of the Proposer(s) should bear in mind the competitive nature of the RFP process and that the CITY will evaluate the proposals as to which ones offer the best advantage to the CITY. The criteria listed below are not necessarily in order of importance, nor are they necessarily weighted equally. The CITY will be the sole judge of the proposals, and the CITY's decision is final.

### 2. Criteria for Selection

a. Proposals will be evaluated using the following criteria:

- i **Responsiveness.** The extent to which a proposal clearly addresses the elements of this RFP is a key factor in selection. A thorough, well-written response is essential.
- ii **Professional Experience.** The past experience of the Proposer(s) in successfully managing an operation of this type, and the Proposer(s)' demonstrated ability to implement the components of this plan will be significant factors in proposal evaluation. Proposer(s) should have at a minimum 3-years experience in the past 5 years operating a similar operation.
- iii **Operating Plans.** The Proposer(s)' Operating Plan included in the response to this RFP will be evaluated based on the overall

reasonableness of the Operating Plan, the extent to which the Operating Plan complies with the requirements of this proposal, and the Proposer(s)' ability to minimize the impacts of its operation of Concessions on the local community as set forth in the Proposer(s)' Operating Plan and proposal.

- iv **Financial Capability.** The Proposer(s) must exhibit the necessary financial responsibility and strength to successfully carry out the Concessions operation for the entire term of the Agreement. The Proposer(s) must have the means to adequately staff the proposed Concessions operation and comply with all of the requirements of the Agreement.
- v **Safety Standards.** The Proposer(s)' Emergency Response Plan must sufficiently address any potential emergencies that might occur in connection with implementing the Agreement. Proposer(s)' staff must possess the necessary certifications and be responsible for ensuring that the Concessionaire complies with all requirements included in attached Exhibit C, Kayak Concession Requirements. The Proposer(s)' ability to successfully manage the safety of its operation will be evaluated.
- vi **Community Service.** The Proposer(s)' ability to contribute to the residents of the City of San Diego's enjoyment of CITY beach and boat launch will be evaluated based on overall and site specific contributions.

### 3. **Additional Information**

The CITY reserves the right to request information from Proposer(s) beyond that specified in this Request for Proposals. Proposer(s) may be requested to appear before an Evaluation Committee. However, none is scheduled at this time. At the same time, the CITY may make a selection based on the information contained in the proposals alone. Therefore, Proposer(s) are advised to submit thorough and complete proposals.

### 4. **Qualification of Proposal**

The RFP does not commit the CITY to award the Agreement or any work under the Agreement. The CITY will not assume any costs incurred in the preparation or submission of a proposal pursuant to this RFP. The CITY reserves the right to accept or reject any or all proposals received as a result of this RFP. The CITY also reserves the right to revise the RFP, including, but not limited to, the submittal deadline. If the CITY revises the RFP, other than revisions or clarifications in accordance with Section D.5., all RFP holders of record will be notified in writing by the CITY.

It is the policy of the CITY to encourage equal opportunity in its professional service contracts. The CITY endeavors to do business with firms sharing the CITY'S commitment to equal opportunity and will not do business with any firm that discriminates against individuals on the basis of race, religion, color, ancestry, age, gender, sexual orientation, disability, medical condition, or place of birth.

## **F PUBLIC INFORMATION NOTICE**

The CITY holds the names of the Proposer(s) and the contents of their proposals in confidence until after the proposal submission deadline has passed and the Agreements have been approved by the City Council and executed by the CITY Manager. At such time, all proposals become public records and will be available in the CITY's Real Estate Assets Department ("READ") for inspection, except for certain excluded materials which are permanently confidential. These consist of personal financial statements and tax returns, Credit Information (Exhibit E), credit reports, and rating sheets and notes resulting from the evaluation process. Proposer(s) are therefore, requested to submit the required financial statements on separate sheets.

### Schedule of Exhibits to RFP

- A. Map of Boat Launch Ramp (La Jolla Shores)
- B. Kayak Tour Schedule
- C. Kayak Concession Requirements
- D. Sample Concession Agreement
- E. Credit Information Form