

Jungle Habitat Request for Proposal
Responses to Questions submitted to the Office of Leases & Concessions

Submitted October 10, 2016

1. Pg. 5 Sec. 1.2 Green Acres:
 - a. Is Green Acres funding a factor in charging for access for mountain biking or any other recreational activity on the Jungle Habitat Property? **No Green Acres funding is not a factor in charging access to the Operational Area.**
 - b. Under Green Acres 7:36-25.13 (a) *If a local government unit or nonprofit seeks to enter into or to renew a lease, or use agreement which would support or promote the use of funded parkland or a recreation and conservation facility on the funded parkland for recreation and conservation purposes, the local government unit or nonprofit shall submit the proposed lease or agreement to the Department for approval at least 45 days before it intends to execute the lease or agreement. Any such lease or use agreement without the Department's approval is void and of no legal effect.* Does Green Acres need to approve the lease? Will this delay the award process? Will this delay the mobilization and implementation plan? **Local government GA requirement.**
 - c. Under Green Acres 7:36-25.13 (b) 4. i. *The lease or agreement shall provide for an initial term of no more than five years...* Pg. 23 Sec. 5.2 *The term of the Agreement shall be for a period of ten (10) years...* Can the lease be for a ten year term under Green Acres? The Green Acres Program Rules go on to say that any renewal term shall be for no more than five years, but the RFP offers a ten year renewal. **Local government GA requirement.**
2. Pg. 5 Sec. 1.2 Does the operator have to allow the Township of West Milford, the State of New Jersey, or various mountain biking enthusiasts to utilize the property's parking lots for events? **No. The Bidder should identify in his/her Operation Plan in the Specific Plan Content (RFP section 4.4.3.2) the use of the property for special events.**
3. Pg. 6 Sec. 1.2.4 (I) Electricity: Correction needed. JCP&L is not the electrical provider for the area, Orange and Rockland Utilities is. **Orange and Rockland is the electrical provider for the Jungle Habitat site.**
4. Pg. 14 Sec 3.1 a. *Paid mountain biking access to the current trails at Jungle Habitat, reserving the trails marked as 'Public' on the Map attached hereto as Exhibit A, for free public access.*
 - a. The map that was posted as of 10/5/16 as Exhibit A does not mark any trails specifically as "Public". Please provide a map depicting which trails must be "Public". **The only Department recognized Public trails are the hiking trails marked on the map. These trails will not be utilized by the Operator and will not be part of the Operational Area.**
 - b. Are all current trails to be considered "Public"? **No. See answer above.**

- c. Are these public trails also to be maintained by the Operator? **If the Bidder proposes new trails to be opened to the public they must be included in his/her Operation Plan, it will be the Operator's responsibility to maintain the new public trails.**
 - d. For any liability incurred on the "Public" trails, who will be the responsible insurance holder, the Operator or the State? **If the Bidder proposes to have public trails in his/her Operation Plan, the Operator will be the responsible insurance holder.**
 - e. Are current trail markers to be maintained by the Operator? **The Bidder should identify in his/her Operation Plan whether the current trail markers will be maintained or removed, in the Specific Plan Content (RFP section 4.4.3.2).**
 - f. Will any organization that placed the current trail markers be prohibited from removing or defacing them? **Any trail markers are the property of the Department.**
 - g. Is there a specific purpose to having both free and paid access to trails? **The Bidder should identify in his/her Operation Plan in the Specific Plan Content (RFP section 4.4.3.2) whether there will be free and/or paid access trails.**
5. Pg. 20 Sec. 4.4.3.2 Specific Plan Content: Are there a minimum hours and months of operation expected by the State for the Operator? **The Bidder should identify in his/her Operation Plan in the Specific Plan Content (RFP section 4.4.3.2) the proposed hours and days of operation.**
 6. Pg. 21 Sec. 4.4.4.5 Would not having mountain biking recreational service experience be a disqualifying factor? **No**
 Would having a sub-operator with mountain bike recreational service experience be an appropriate resolution? **The use of a sub-operator will require the prior written approval of the Department.**
 7. Pg. 26 Sec. 5.6 Taxes and Assessments: Can the Township of West Milford assess Property Taxes to a private entity on State property? The Township may assess a leasehold tax. **Refer to section 5.6 of the RFP and Paragraph 26 of the Operation Agreement.**
 8. Can the winning bidder assign the agreement to another entity? **Assignment of the Operation Agreement will require the prior written approval of the Department.** Can you assign the business as a DBA? **Assignment of the Operation Agreement will require the prior written approval of the Department.**
 9. Please provide a wetland deviation map for the property. **The Department has supplied the pertinent map.**
 10. It is known that ATV's currently access the property; can the state identify the entry points they use so that it can be addressed by the Operator? **The Department does not know specific entry points but will work with the successful bidder to identify those areas if necessary.**
 11. Is hunting currently permitted on the Jungle Habitat Property? **Yes.** If so, does the Operator have to continue to permit it? **The Operational Area will remain open to public**

hunting. The Operator does not have the authority to allow or disallow hunting on the property without written approval from the Department.

Submitted October 14, 2016

GENERAL INFORMATION

1.1 Purpose and Intent 4

“Bidders must propose the percentage of their annual gross receipts that will be paid to the State as the variable rent; the proposed percentage must be at least eight percent (8%).”

What other Department lessees pay a percentage of gross receipts? **Golf Course Operations, Cell Towers, Restaurants, Banquet/Catering Operations, Marinas**

What does Mountain Creek Pay? **This question is not related to the present RFP.**

1.2 Background ... 4 “development of the site is limited to the parking lots within the property and such trails as the Department may approve.”

What is the procedure for building new trails? **Refer to Section 1.2.5 (Improvements) in the RFP and Paragraph 7 of the Proposed Operation Agreement regarding Improvements. All Improvement Plans must be pre-approved in writing by the Department.**

Is there a limit to the size, type and number of new trails? **The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

Is development on the parking lots unlimited? **The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

What about development on the roads? **The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

1.2.1 Structures, Facilities and Parking 5

“The successful bidder shall be responsible to improve and maintain Jungle Habitat, including the main gates, the parking lots, the trails, and any added structures, facilities, amenities and utilities within the area identified in Exhibit A.”

Does “responsible to approve” mean to repave the lot? **The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

So all “improvements” no matter what type of scope need approval of the Department? **Refer to Section 1.2.5 (Improvements) in the RFP and Paragraph 7 of the Proposed Operation Agreement**

regarding Improvements. All Improvement Plans must be pre-approved in writing by the Department.

1.2.4 Utilities 6

“all human waste and wastewater must be removed from Jungle Habitat and may not be discharged at Jungle Habitat”

What about self-composting toilets? **The Department must pre-approve the use of self-composting toilets.**

1.2.5 Improvements 7

“The Operator may make permanent and semi-permanent improvements to Jungle Habitat.”

“NOTE: Whenever the Operator plans on making improvements to Jungle Habitat, the Operator shall initially submit design documents to the Department showing the proposed improvements, expected costs, and expected timeline for completion of the improvements. Upon written conceptual approval from the Department the Operator shall be solely responsible for preparing construction plans and specifications. All plans and specifications must be professionally prepared, signed and sealed by the appropriate professional: architect, landscape architect, or engineer. The Operator shall be required to obtain all federal, State and local approvals required prior to undertaking any improvements. All improvements made or added to Jungle Habitat shall be maintained and repaired by the Operator. Permanent improvements shall become the property of the Department at the end of the Operation Agreement. The Department will not be responsible for any improvements should the Operator not undertake them.”

How does this work with trails? **Refer to Section 1.2.5 (Improvements) in the RFP and Paragraph 7 of the Proposed Operation Agreement regarding Improvements. All Improvement Plans must be pre-approved in writing by the Department.**

1.2.7 Security 8

“Because Jungle Habitat is currently closed to the public,... **The Park is not open to the public.**

“The Operator shall be solely responsible for security of Jungle Habitat against burglary, theft, vandalism and unauthorized entry. **Yes**” In other words, is the lessee required to fix all the fences? **The Operational Area is offered by the Department in “AS IS” condition”. The Bidder would be required to maintain, repair or replace the fence as is presently exists unless otherwise approved in writing by the Department. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

3.1 Required Services 14

The successful bidder shall be required to provide, at a minimum, the following services:

- a. Paid mountain biking access to the current trails at Jungle Habitat, reserving the trails, marked

as “Public” on the Map attached hereto as Exhibit A, for free public access;

b. A progression of trails for beginners through experienced riders;

c. An area for children only to mountain bike;

d. Creation of additional trails, built in accordance with International Mountain Bicycling Association or equivalent trail building standards;

How free is the lessee to build new trail. can they go anywhere? **No. The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

If not what is the approval process. **Refer to Section 1.2.5 (Improvements) in the RFP and Paragraph 7, of the Proposed Operation Agreement regarding Improvements. All Improvement Plans must be pre-approved in writing by the Department.**

How long will approval take? **The approval time varies based on the Improvement Plan submitted.**

e. Installation of facilities for bathrooms; Are composting toilets acceptable? **The Department must pre-approve the use of self-composting toilets.**

f. Appropriate gates and fencing. Must all gates and fencing be repaired? **No. The Operational Area is offered by the Department in “AS IS” condition”. The Bidder would be required to maintain, repair or replace the fence and gates as they presently exist unless otherwise approved in writing by the Department. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

4.4.3.2 Specific Plan Content 19

i. Description of the services the bidder will provide; including descriptions of events the park will be used for and if rented to outside subcontractors;

Will Obstacle Course Races, Air Show Parking be covered under this? **”Events” includes all events that are not a part of the regular mountain biking services.**

4.4.4.4 Sub-Operator(s) 21

If the sub operator wants to build run obstacle course races, what are the requirements and restrictions for these kinds of events? **The Department is unable to answer this question without specific information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

5.6 Taxes and Assessments 26

Does this mean the operator must pay property tax? **Answered above.**

Submitted October 17, 2016

1. RFI: Who was on the list received the RFI? **We are not answering questions regarding the RFI, only the RFP.**
2. Pg. 5 Sec. 1.2 “...development of the site is limited to the parking lots within the property...”
 - a. According to the NJ Department of Environmental Protection service NJ-GeoWeb, the first parking lot is considered part of a vernal habitat. Can any development happen within this lot? **The Department is unable to answer this question without specific plan information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**
 - b. Does the vernal habitat limit the development of new trails? **All improvements need the approval of the Department.**
3. Pg. 14 Sec. 3.1 a. *Paid mountain biking access...*

If enough revenue is generated though means other than charging for biking, is it possible to continue with the free mountain bike access to the current trails? The challenge to keep those bikers who paid and those who didn't pay restricted to their designated trails would be too great for it to make financial sense to charge. It also has the possibility of discouraging bikers from visiting the park and therefore negatively affecting the tourism of the area. **The Bidder should identify what services will be offered in his/her Specific Plan Content (RFP section 4.4.3.2)**
4. Pg. 14 Sec. 3.2 Optional Services

Mud runs and obstacle course racing has surged in popularity in recent years. Being host to one of these events presents the opportunity to generate thousands of dollars in revenue. However, the drawback is that these races are almost guaranteed to alter the landscape of the trails being used.

 - a. Are mud races allowed on the property? **The Department is unable to answer this question without specific information. The Bidder should identify this in his/her Specific Plan Content (RFP section 4.4.3.2)**
 - b. Can trails be widened? **The Department is unable to answer this question without specific information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**
 - c. Can pits be dug? **The Department is unable to answer this question without specific information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**
 - d. Can temporary obstacles be built on the property? **The Department is unable to answer this question without specific information. The Bidder should identify all Improvements in his/her Specific Plan Content (RFP section 4.4.3.2)**

5. Pg. 21 Sec. 4.4.4.5 *Experience of Bidder*

- a. It is stated that "...the bidder should provide a comprehensive listing of mountain biking recreational services similar in size and scope..." Must the bidder have previous experience in mountain biking recreational services? **No**
- b. Should the bidder include a description of past events they have managed that are not mountain biking related? **Yes**
- c. Can it be proposed that there will be a formation of a new business that will be assigned to manage and operate the Jungle Habitat property separate from the company that was awarded the contract so long as both companies have the same principal owner? **Yes**

Can a sub-operator be brought in with experience to include in the RFP **Yes with the written pre-approval of the Department.**

6. Pg. 22. Sec. 4.4.4.6 Financial Viability

Would a compilation report from an accountant be satisfactory as proof of financial viability? **No. See 4.4.4.6.**

7. Pg. 22 Sec. 4.4.5 Monetary Proposal

- a. "Each bidder shall submit, as part of its monetary bid, a percentage of the annual gross receipts of at least eight percent (8%)..."
 1. Where did the 8% figure come from? **The Department has identified this percentage.**
 2. Is the 8% based on concession agreements the state already has? **No**
 3. I recommend the 8% be taken on net sales, not gross as the profit margin on some services is so low that it will lead to a loss. **Refer to Section 4.4.5 (Monetary Proposal) of the RFP, and 4.4.6. Changes to Terms and Conditions (Part 6)**
- b. What percentage correct does the monetary proposal need to be throughout the years in order to keep the contract? **Operator must pay the base rent.**
- c. Is the monetary proposal judged primarily at the 1 year mark, 5 years, or over the entire 10 year term? **The Department looks at the total compensation.**

Submitted October 17, 2016

Another Question, The successful bidder shall be required to provide, at a minimum, the following services:

- a. Paid mountain biking access to the current trails at Jungle Habitat, reserving the trails, marked as "Public" on the Map attached hereto as Exhibit A, for free public access; **There are no public trails. The only recognized Public trails are Hiking Trails shown on the Map at Exhibit A are not included in the Operational Area as part of this RFP.**

October 18, 2018 Mandatory Pre-Bid Meeting and Site Visit

Does the Operator need to install gates? **No**

Can the Operator leave the main gates open? **Yes. Bidders should note that the Department will not be patrolling the area. Security and liability for damage or injury are the responsibility of the Operator.**

Will a compilation report from an accountant be satisfactory as proof of financial viability? **The compilation will must be certified by a Certified Public Accountant. In addition, per 4.4.4.6, a certification from either the CEO or CFO must accompany the compilation report.**

Is the Department aware of any environmental concerns on the property? **No**

Is the Operator required to maintain the weeds that have grown up through the cracks in the asphalt? **The Operator will be required to maintain the areas unless otherwise approved by the Department. The method of weed maintenance and frequency would be based on the intended use of the Operational Area by the Operator.**

Would the Operator be able to use State Equipment to maintain the Operational Area? **No**

How much of the RFP is based on responses to the RFI? The RFI responses merely provided information the Department lacked. **All decisions regarding the RFP have been made by the Department.**

Do the individuals that participated in the RFI have an advantage in preparing their response to the RFP? **No.**

Will the Department allow the Operator to use ATV's to patrol and perform maintenance activities in the Operational Area? **The Department would seek Operator use of environmentally friendly vehicles on the site for routine operations and maintenance. Use of any ATVs will require Department pre-approval.**

What is the distance a hunter would need to maintain from the trails? **Refer to the Department of Environmental Protection Division of Fish and Wildlife Rule, New Jersey Administrative Code 7:25-5.**

Would the Operator be able to get the same rates/fees by using a State Contract Vendor? **The Operator would need to negotiate this with the individual State Contract Vendor.**

Will the Operator need additional approval from the Department for Events? **The Operator would be required to get written approval from the Department for any event that was outside of the intended purpose set forth in the RFP, the Operation Agreement and the Operator's Bid Proposal.**

Are previous events held at Jungle Habitat grandfathered in? For example the Townships use of the parking lots for the Fourth of July fireworks. **No**

If the Operator held a musical festival would they need approval from the Department? **Yes, the Operator must receive written pre-approval of the Operation Plan for any music festival held in the Operational Area.**

How much money has Jungle Habitat generated in the past? **Over the past couple of years the revenue has been less than \$2,000.00 per year.**

Does the Department have any other maps or surveys of the Operational Area? **No.**

Is there any other access to the property other than the access road off of Airport Road? **The only approved access to the Operational Area is from the main entrance on Airport Rd.**

What time and hours does the Operator have to operate? **Each bidder should propose the days and hours of operation.**

Will the Department give additional time within which to submit a bid? **Not at this time. If a number of bidders submit written requests for additional time, the Department may consider the requests.**

Can the bids be submitted electronically? **Pursuant to Section 4.3 of the RFP, bidders must submit one original and four paper copies to the Department by the deadline. The paper copies are the official bid. For all hand deliveries, the Office of Lease and Concessions is located at 501 E. State Street, Trenton, on the 3rd floor.**

Can the winning bidder do business under a DBA name after the bid is awarded? **Assignment of the Operation Agreement will require the prior written approval of the Department.**

Do you need to have electricity run to the park or can a generator be used as needed for operations during the term of the contract? **The Operator must request Department written pre-approval to use a generator. In addition, use of a generator may require additional permits and approvals from the State Fire Marshal and Temporary Electric Permits from the Department of Community Affairs.**

The RFP requests documentation on financials and personal information to be included with any proposals submitted. If an OPRA request is made after the bid is awarded, will that financial and personal material be included or will it be redacted? **Refer to Section 1.4.6 (Contents of Proposal) in the Request for Proposal.**