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RESPONSES TO QUESTIONS RECEIVED PRIOR TO THE QUESTION CUT-OFF DATE: SEASONAL BOAT-LIVERY LICENSE AT PENN STATE FOREST & WHARTON STATE FOREST

1. **BIDDER COMMENT:** Our first concern is that we are scheduled to open on April 1, 2019, as we have done for the previous 4 years. It does not seem reasonable that the new agreement, and subsequent letter requesting an extension of the season, can be implemented in that time. We therefore infer that the Department intends that activities in April and May, like non-livery activities, are to be covered by the existing Special Use Permit system. On that basis, we have also filed for an April/May 2019 Special Use Permit so that we can resume operations in a timely manner.

RESPONSE: The Department anticipates awarding the License(s) by April 1, 2019.

2. **BIDDER COMMENT:** 1. D. Line 7, appears to exclude access to Atsion Lake Boat Launch Area prior to May 24 and after September 3. This launch area has previously been included in our SUP from April 1 through Memorial Day and after Labor Day through October 31. We request that this launch be available from April 1 through Memorial Day and after Labor Day through October 31.

RESPONSE: Licensee shall be granted access to utilize the areas, as set forth in Subparagraph 1(D) (Scope of License), during the Period of Operation. Licensee may request to extend the Period of Operation for the Initial Term of the License Agreement in their Bid Proposal Submission. Please refer to Paragraph 7 (Extension of the Season) for more information on extending the season.

3. **BIDDER COMMENT:** 1. E. "All boats and related equipment must be marked and clearly identify the name, address and telephone number of Licensee."

- This requirement is not reasonable or necessary. Our boats and equipment have our name, but at this late date, and in light of the great investment we have in our equipment, it is not possible to add address and phone number to this equipment. The PFDs, for example, must be silk screened by the supplier, we have a large and sufficient inventory of PFDs in hand, and it is impossible to re-do the silk-screening on this existing inventory. While it is technically possible to put new stickers on boats and paddles, it would represent a large and completely unnecessary expense.

- The purpose of this requirement is unclear to us. If the purpose is to enable State personnel to identify the livery service for a given boat or return lost paddles, then the name of the service is obviously more than sufficient for this purpose. We request, therefore, that this provision be simplified to require just the name of the operator.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 1(E) (Scope of License) of the amended Bid Specification. In past practice operators have used waterproof markers to fulfill this requirement.

4. **BIDDER COMMENT:** 1. E. "All vehicle(s) and/or trailer(s) used as part of the License Operation must display a voucher, pre-approved by Department in writing, identifying the name, address and telephone number of Licensee."

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-Please explain this voucher: What size and material is it? Who creates it? And what is the process to get vouchers for existing and new equipment?

RESPONSE: The Department will provide the Licensee with a voucher template prior to commencement of the License Operation. The template will be a word document or PDF that the Licensee can readily print.

5. **BIDDER COMMENT:** 1. A. As noted above, starting the license June 1, 2019 creates an unreasonable timeframe. Pinelands Adventures has traditionally operated livery operations from April 1 through October 31, a precedent established by the previous SUP system. We request that the time frame be changed to April 1 through October 31, and the role of SUPs as complements to this license system be clarified.

RESPONSE: Please refer to Paragraph 7 (Extension of the Season) of the amended Bid Specification. Bidder may request to extend the Initial Term of the License Agreement as part of their Bid Proposal Submission. Use of SUPs by Licensee is not envisioned under the Bid Specification.

6. **BIDDER COMMENT:** 6. B. "Licensee shall not be permitted to launch customers, boats and related equipment on any waterways within the Area including, Atsion Lake, Batsto River, Mullica River, Oswego River, and Wading River, prior to 7 a.m. and/or after 2 p.m."

-We understand the need to restrict hours for safety concerns, especially to have enough time for a rescue before dark should a participant have trouble, but limiting the last launch time at 2 pm on all days is arbitrary and not reasonable. While that time frame might make sense in October when the sun sets at 6:17 pm, it does not make sense on June 15 when the sun sets at 8:30 pm. It is not unusual for a participant to rent a canoe for lake use for 1 hour at 3 or 4 pm. As currently worded, this restriction unnecessarily prevents public access to the State Forest. The State Forests themselves typically tie visitor hours to sunrise and sunset. Consistent with that approach, we suggest that this provision be changed to state that launches should end no later than 2 hours before sunset and that all customers and boats are to be off the river no later than 1 hour before sunset.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 6(B) (Hours of Operation and Limitations) of the amended Bid Specification.

7. **BIDDER COMMENT:** 6. C. Please clarify the "attendance log" provided for here.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 6(C) (Hours of Operation and Limitations) of the amended Bid Specification.

8. **BIDDER COMMENT:** 6. D. While Pinelands Adventures intends to be open all day, every day from April 1 through October 31, there inevitably are times when we want to or need to close for a day or for a portion of the day. Examples are days or times needed for equipment maintenance, inclement days when no customers are showing up, off-site events that require the entire staff such as the annual Fall Float that we operate for Burlington County, and days without advanced

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reservations. It is unreasonable to make such days or times a breach of the license. We suggest this provision be changed to state that the operator will make a good faith effort to be open all of the Operating Hours submitted to the Department at the beginning of the license.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 6(D) (Hours of Operation and Limitations) of the amended Bid Specification.

9. **BIDDER COMMENT:** 6. D. "The Area Superintendent shall be the sole authority to determine whether an area of Penn State Forest and Wharton State Forest affecting the License Operation will be closed due to inclement weather or otherwise"

-While recognizing that the State Forest Superintendent has the right to shut down operations due to severe weather, fire or any other reason, Pinelands Adventures or any other licensee must also have the right to shut down in light of our own judgment of weather conditions and our customers' best interests. The operator, after all, is responsible for the experience its customers have, and most customers we see do not have the experience of these rivers to know whether conditions are appropriate for them. Those situations require a nuanced judgment that takes into account our customer service style and business procedures, as well as a judgment on the safety of sending people down the river in given conditions. As a livery service, we also must take into account road conditions within and outside the State Forest. Finally, these situations sometimes require quick decisions that cannot wait for someone else to inform us of what is required. This provision should be modified to add that the operator also may, in its judgment, determine to cease operations due to weather, road and river conditions.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraphs 6 (C) and 6 (D) (Hours of Operation and Limitations) of the amended Bid Specification.

10. **BIDDER COMMENT:** 7. Season Extension

-Pinelands Adventures requests a mechanism that would allow us to request to extend the season and receive a determination well in advance of thirty days, as it is currently written. Preferably, the season extension could be requested with the license renewal request by August 15 of the year prior to the year being sought for renewal. Thirty days does not give us enough time for program planning, staffing and advertising.

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 2(B) (Term) and Paragraph 7 (Extension of the Season) of the amended Bid Specification.

11. **BIDDER COMMENT:** 11. A. Pinelands Adventures objects to the request that we must present our gross receipts, and we cannot see any legitimate basis for this requirement. We are happy to provide customer counts as was required in the previous SUP arrangement, as this information is essential to the Department's management of public resources.

RESPONSE: No change. The Bid Specification is clear on this point. The Department is only requesting the Total Gross Receipts less New Jersey State Sales Tax and the Total Number of Customers for the Licensed Operation. The Department has no interest in the Total Gross Receipts from any operations that occur outside of the License Agreement.

12. **BIDDER COMMENT:** 12. B. The technology of using a "Dual Tape/Readable tape" is antiquated, based on the use of a traditional cash register, and inconsistent with today's POS technology. In

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our experience, no web-based reservations/POS system supports the creation of a Dual Tape/Readable Tape the way an old-fashioned cash register does. Most customers book and pay online in advance and receive email receipts. Customers paying by card in person receive email receipts. Only the minority of customers who pay by cash receive a cash register receipt from a machine such as described in 12. B. The cash-register-based requirements are not only anachronistic, but are also unnecessary. This provision should be changed to delete the sentences that assume the use of a cash register (such as the sentences beginning "In addition, such cash registers ..." and the bulleted items).

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 12(B) (Records and Audit) of the amended Bid Specification.

- 13. BIDDER COMMENT:** 13. B. The requirement to place receipts relating to the license in a separate bank account is completely unreasonable, pointless, and intrusive. It seems to have been written for a very different kind of operation and should be deleted. Pinelands Adventures has numerous services outside the areas, types of activity and dates covered by the license. We do not operate solely in Wharton State Forest or even solely on public land, and we have trips and services, such as walking and bus tours, that are outside the scope of the livery license. All of these services obviously use the same web-based reservation and payment system. We track the amounts we collect for livery services in Wharton State Forest, but we simply cannot have two parallel payment systems that deposit funds into separate bank accounts based on the date, nature and location of each activity. Once we have received funds, it would be completely irrational, and provide no benefit to the Department, to make us then transfer certain amounts to a separate bank account.

RESPONSE: The Department will provide greater flexibility. Please refer to Paragraph 13 (Daily Receipts) of the amended Bid Specification.

- 14. BIDDER COMMENT:** 14. Prices. Pinelands Adventures objects to the restriction and monitoring of our prices. While we offer base prices, prices vary do to certain discounts. The market should determine pricing for public offering, and if our prices are inappropriate our customers will vote by whether or not they choose to do business at our establishment. Unlike a concession, we are not a monopoly and customers can choose to patronize other establishments if they don't like our pricing. How, when and where our prices are displayed is a matter of customer service and business style and should not be mandated by the state under this agreement. Moreover, we offer services to schools and community service organizations on a non-commercial basis based on a conversation about each group's funding for our programs. If the Department wants groups like schools, homeless shelter residents, and farm laborers to enjoy the State Forest and learn about its ecology, then having a State official review and pass on our pricing is simply not possible. Note, moreover, that this has never before been a requirement for livery services in the State Forests, a process that has been working successfully for at least fifty years.

RESPONSE: No change. The Bid Specification is clear on this point, however the Department may consider allowing Licensee to submit proposed pricing brackets.

- 15. BIDDER COMMENT:** 15. C. The last sentence of this provision, as worded, is not feasible. Most customer come as part of a party, with only one person making the reservation and payment on

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behalf of the group. Pinelands Adventures collects the name of every customer and every member of each party, and we obtain contact information for at least one member of every party, including at least name, phone number and email address. We do not, and practically speaking cannot, get a physical address from every member of every party because of the time it would take to process every customer in this way. We suggest that this sentence be changed to read "... shall obtain the name of each customer of the License Operation and contact information for at least one member of each party served."

RESPONSE: The Department will provide greater flexibility. Please refer to Subparagraph 15(C) (Staff) of the amended Bid Specification.

16. BIDDER COMMENT: 20. We object to the request to inspect our private business location and cannot see any basis for such an intrusion. This provision should be deleted.

RESPONSE: The Department will provide greater flexibility. Please refer to Paragraph 20 (On-Site Inspection) of the amended Bid Specification.

17. BIDDER COMMENT: 21. This provision requires clarification and modification, as the last two sentences appear to be a generic provision that does not fit the livery situation. We respect the forest and demand our customers do the same. We constantly pick up litter at the launches, landings, waterways and along the road – services that benefit all users of the State Forest. However, this provision suggests that we would be required to install trash receptacles within the State Forest, presumably at launch and take-out sites. We cannot imagine the State Forest would want or allow such a thing, but in any case it would be unreasonable to require any livery operator to install and maintain trash cans at sites used by all visitors, whether they come by one of the livery services or on their own. The last two sentences of this paragraph should be deleted.

RESPONSE: No change. The Bid Specification is clear on this point. Licensee shall provide such additional trash containers "as may be required" to keep the immediate Department-Designated Delivery/Pickup Sites clean at all times.

18. BIDDER COMMENT: 24. This provision is unreasonable and so impractical that it should be deleted. It seems to be totally out of sync with the modern world. If it really feels the need, the Department might provide that operators shall change any advertising to which the Department reasonably objects, but it is simply absurd to imagine the Department will timely review and approve all advertising, physical and online, on a timely basis, or that it has the expertise to judge our advertising at all. The provision as written suggests that we need approval for every publication, social media post, website change and any other promotion we undertake. In a lightning fast world, it is not practical to add a layer of approval and have to wait for untimely authorization for these promotions. Nor we imagine does the Department actually intend to assign a person to do this job, and do it in a timely fashion, and deal with the operators calling every hour to get an answer from them.

- Further, requiring the addition of this language "Area is administered by the State of New Jersey, Department of Environmental Protection, Division of Parks and Forestry, State Park Service" in every promotion is unrealistic and out of step with modern practice for a number of reasons.

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Small business advertising today is almost entirely via social media, and advertising messages need to be as short as possible to increase effectiveness. Twitter, for instance, is limited to 144 characters. The required line alone is 141 characters! In addition, Facebook has an algorithm that ranks images with words (either in the picture or superimposed) lower, decreasing the number of people reached. While it would be fine to include this language in some cases, such as our new brochure or on a web page, it is unreasonable to require it in all instances.

RESPONSE: The Department will provide greater flexibility. Please refer to Paragraph 24 (Advertisement and Promotion) of the amended Bid Specification.