



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF PARKS AND FORESTRY**

Request for Proposal

**Lease/Management/Operation of
The
Regional Highlands Center at Mount Paul**

Jefferson Township, Morris County

Release Date: September 2009

Due Date: October 19, 2009

1.0 GENERAL INFORMATION FOR BIDDERS

1.1 Purpose and Intent

This Request for Proposal (RFP) is issued by the New Jersey Department of Environmental Protection (“Department”), Green Acres Program (“Green Acres”) and the Division of Parks and Forestry (“Division”), on behalf of the State of New Jersey (the “State”). The purpose of this RFP is to solicit proposals from qualified bidders to operate, maintain, and manage the Regional Highlands Center at Mount Paul in Jefferson Township, Morris County, New Jersey.

The Department is seeking a tenant who has experience and knowledge in operating an environmental education and outdoor recreation facility, who is financially stable, and who is willing to integrate regional conservation initiatives and natural resource protection measures into their facility use and management objectives.

Potential activities on the leased premises include: environmental education, outdoor appreciation programs, outdoor leadership education and training, natural resource conservation, environmental science research and eco-tourism type activities.

The winning bidder(s) will enter into a ten-year Lease Agreement with the Department and will have the potential to renew the Lease Agreement for an additional ten-year term. The successful bidder(s) will pay the State a fixed rent with a three (3) percent annual increase after the fourth lease year. The successful bidder for the operation shall pay an additional variable rental payment based on a percentage of its annual gross revenue earned from facility operations.

It is the goal of the State to lease the Regional Highlands Center at Mount Paul for an environmental education and/or conservation related purpose. The Department intends to enter into a lease agreement with a capable Tenant(s) who will operate and develop the property in accordance with federal, State, and local laws and the terms set forth in the Lease Agreement.

All bidders shall submit as part of their bid proposals a Management Plan, which shall include a Facility Improvement Plan. The Management Plan shall set forth Tenant's projected uses for the dorm building, single family residence, garage and how the 41-acres of land around the buildings will be used and how the bidder proposes to market the site. Proposals should emphasize that the property will be used in a manner that respects the site's natural resource values and that fosters conservation values and traditions. The Facility Improvement Plan shall describe how the bidder proposes to manage, repair, maintain, and develop the property. Based on the Management Plan, bidders also must propose a fixed annual fee payable to the State, plus a threshold amount of annual gross revenue, above which the Operator will be required to remit fifteen (15) percent to the Department. The winning bidder will be the qualified, experienced bidder whose proposal is most responsive to the State's goals.

The intent of this RFP is to award a contract in the form of a ten-year Lease Agreement to a responsive bidder whose bid conforms to the requirements of this RFP and is most advantageous to the State.

1.2 Background

The State, acting through the Department of Environmental Protection, Green Acres Program and the Division of Parks and Forestry, is requesting proposals for the operation of the newly acquired State facility known as the Regional Highlands Center at Mount Paul (RHC).

The Regional Highlands Center at Mount Paul is located in Jefferson Township, Morris County and Sparta Township, Sussex County. The RHC sits on over twelve hundred acres of forested, uplands. The property includes an established, self-contained trail system of eight loop trails and it is bisected by a section of the New Jersey Highlands Trail. Geographically, the property sits between Route 23 and Route 80. It is about an hour and twenty minutes from New York City and two and half hours from the City of Philadelphia. The site is surrounded by rural roads and single-family residences. Regionally there are two Wildlife Management areas to the west as well as a large County park, known as Mahlon Dickerson Reservation, directly to the south.

The lease facilities sit on 41-acres with a 12.5-acre, man-made lake and a dam. The structures include a dormitory with 35 private and semi-private sleeping rooms, a garage/storage barn and a manager's residence. There is limited parking in front of the dorm, but additional parking for about 100 cars is available in an adjacent field. The dorm and residence have been impeccably maintained. The dorm was constructed in 1960 and the residence was built in the 1900s but an addition was added in the 1950s. Both structures will require regular upkeep and some eventual capital improvement investment over the term of the lease.

1.2.1 Excluded Land:

The remaining land excluded from the RFP will be accessible to the successful bidder since it will be public parkland. Additional responsibilities for trail design, trail improvements and camping are not included under the lease agreement. Those activities may be addressed under a separate agreement with the State of New Jersey if the successful bidder so desires.

1.2.2 Structures, Facilities, and Access

A. Structures:

- Manager's residence/cottage.
- Main dorm building, which contains 35 sleeping rooms of various configurations, a series of small meeting rooms, 2 large meeting spaces: one is a former chapel & the other is a large meeting room with a lake view, shared restrooms & shower facilities on each level, a commercial kitchen & dining room, an indoor gym/basketball court, various storage rooms and closets on the lower level, as well as the tool/dye shop, a laundry room, single bay attached garage and a boiler room.
- Garage/storage barn, which has a bay for one vehicle and serves as a workshop.

- Cement storage tower.
- An abandoned pump house.
- Wooden dock with diving board and a finger pier for launching small, non-motorized water crafts.
- 3 small, individual wooden storage sheds by the lake and dam

B. *Facilities:*

Photos are posted on the Green Acres website for further reference. The following is a description of the condition of the facilities and suggested upgrades:

The manager's residence (aka cottage) has three bedrooms, 2 full baths, an eat-in-kitchen and a deck. The residence shows some evidence of settling. There are hairline cracks in the masonry foundation under the kitchen. The grading and sealing should be monitored for future movement. Deck rails need upgrading for safety and to comply with local code requirements. Downspouts should be extended to mitigate ground water intrusion and the roof should be sprayed to prevent moss growth. Additional insulation has been recommended to improve energy efficiency.

The dorm building was erected in 1960. It is institutional in design but not currently up to ADA compliance standards. The necessary ADA improvements should be made to rectify this deficiency.

The shower facility/locker room on the lowest level has been abandoned. It will require upgrades to return it to full functionality. There is single pane glass on the door, near the chapel loft (on the 3rd floor) that should be replaced for safety purposes. The dorm roof is made of "roll roofing." It appears as though there may be some slippage of the coating due to heat/thaw conditions which has contributed to some "alligatoring" (patchy deteriorating). Consequently, an upgrade is recommended to reflective rubber roofing for longevity and for increased functionality in the future.

The garage/storage barn has one bay for a vehicle. The structure itself is wooden and it has some rafters on right side that are spliced and sistered which should be replaced and improved upon for better long term structural integrity.

The condition and exact location of all utilities (water pipes, electric lines, telephone/cable lines) are not known. Propane and oil tanks are located above ground between the lake and dorm building. Previously decommissioned underground storage tanks have been abandoned in place. Soil sampling was done in the area of abandonment. There is no evidence of leakage or residual contaminants in the area, the sampling results are available upon request.

Additional repairs and regular maintenance will be required to all the gutters and downspouts. Consistent monitoring and maintenance of the hot water heaters/boilers, pumps, water softeners, frost-free hydrants, plumbing and heating systems is expected.

An emergency sprinkler system should be installed in the dorm. Carbon monoxide detectors should be installed in both the dorm and the manager's residence/cottage.

A report assessing the condition of each structure and any noted building code issues entitled "Polo & Associates Home Inspections, LLC" is attached hereto as Exhibit B. While it may not include the current condition of every building, it provides an overview of the repairs recommended. Various corrections and upgrades were made prior to the closing with the State.

C. *Access:*

The 41-acres lease envelope which includes all of facilities listed in section 1.2.2 also includes the paved driveway known as Mount Paul Rd. This road/driveway provides dedicated access to the improvements from Russia Road. The road/driveway must be maintained year round by the successful bidder. Limited access to this road shall be granted to Department staff as necessary, but there will be no joint management responsibilities associated with this privilege.

1.2.5 Septic System and Water System

The capacity of the existing septic system(s) that serves the dorm and manager's residence/cottage is approximately 1,000 gallons. The tank is located behind the dorm building. The exact depth of the septic system is unknown. The septic has been pumped annually in October and a similar schedule should be maintained. The septic system(s) may need to be upgraded or supplemented depending upon the proposed uses of the successful bidder(s). Required permits and approvals must be secured by Operator as directed by State and local law.

The facilities are served by two wells. Adequacy tests have been done for both wells. The pump for the dorm building and cottage are 9 years old and the well pump for the former cemetery is from 2003 according to the I.D. plate. According to the well assessment, the aquifer yield/recovery rate sample measured approximately 6 gallons per minute for 45 minutes for both pumps which is considered good. The state minimum standard is 2 gallons per minute. There was some decrease in pressure for either pump. The condition of underground water distribution piping is not known.

The successful bidder(s) may need to have the wells designated as a public, non-community transient water system.

1.2.6 Taxes, Revenue, and Operating Expenses

The Tenant(s) shall be required to pay all operating expenses (including utilities) and any applicable taxes.

1.3. Questions and Inquiries

The Department will accept questions and inquiries from all potential bidders receiving this RFP. Questions may be submitted electronically or in writing to the Department at the following address:

Department of Environmental Protection
Green Acres Program
Attention: Courtney Wald-Wittkop
501 E. State Street, P.O. Box 412
Trenton, NJ 08625-0412
P: (609) 984-0576
E: Courtney.Wald-Wittkop@dep.state.nj.us

1.3.1. Submission Cut-Off Date

The cut-off date for the submission of questions will be September 26, 2009. All questions will be answered via an online posting on October 1, 2009. Both the questions and the responses will publicly posted on the RFP section of the Green Acres website: <http://www.nj.gov/dep/greenacres/>.

It is requested that bidders with long, complex, or multiple-part questions submit them as far in advance as possible, in order for the Department to prepare answers by October 1, 2009.

1.3.2 Question Protocol

Questions should be submitted in writing to the attention of Courtney Wald-Wittkop of the Green Acres Program. Written questions should be directly tied to the RFP. Questions should be asked in consecutive order, from beginning to end, following the organization of this RFP. Each question should begin by referencing the RFP page number and section number to which it relates.

General and brief procedural inquiries may be accepted over the telephone. However, oral explanations or instructions given over the phone shall not be binding upon the State. Bidders shall not contact the Division of Parks and Forestry or any other branch of the Department directly, in person or by telephone, concerning this RFP.

1.3.3 Property Inspection Protocol

Any request to visit the site must be made prior to October 1, 2009 in keeping with the question protocol. Visitation inquiries should be directed to Courtney Wald-Wittkop of the Green Acres Program either by phone (609) 984-0576 or email: Courtney.wald-wittkop@dep.state.nj.us. The RHC property is not vacant and it is currently being operated as a private retreat house, so unauthorized inspections or visitations are strictly prohibited.

1.4 Additional Information

1.4.1 Revisions to the RFP

In the event that it becomes necessary to clarify or revise this RFP, such clarification or revision will be by addendum. Any RFP addendum will be distributed as follows:

i. Any addendum issued will be distributed to all bidders who were sent the initial RFP as well as posted online on the RFP section of the Green Acres website: <http://www.nj.gov/dep/greenacres/>.

1.4.2 Addendum as Part of the RFP

Any addendum to this RFP shall become part of this RFP and part of any agreement resulting from the RFP.

1.4.3. Issuing Office

This RFP is issued by the New Jersey Department of Environmental Protection, Green Acres Program and the Division of Parks and Forestry. The contact noted above is the sole point of contact between the bidder and the Department for the purposes of this RFP.

1.4.4 Bidder Responsibility

The bidder assumes sole responsibility for the complete effort required by this RFP. No special consideration shall be given after bids are opened because of a bidder's failure to be knowledgeable of all the requirements of the RFP. By submitting a proposal in response to this RFP, each bidder represents that it has satisfied itself, from its own investigation, of all the requirements of this RFP. The bidder further represents that it has made its own calculations, based on the information provided and its own research and experience, of costs, expenses, and revenues, for which the Department bears no liability.

1.4.5 Cost Liability

The State assumes no responsibility and bears no liability for costs incurred by bidders in the preparation and submission of bid proposals in response to this RFP. Furthermore, the Department does not warrant or guarantee any current or future revenues that may be generated from operation of the Regional Highlands Center at Mount Paul.

1.4.6 Contents of Bid Proposal

The entire content of every bid proposal will be opened publicly and becomes a public record. This is the case, notwithstanding any statement to the contrary made by a bidder in its bid proposal.

As public records, all bid proposals are available for public inspection. Interested parties may make an appointment to inspect bid proposals received in response to this RFP.

1.4.7 Price Alteration

Bid prices must be typed or written in ink. Any price change, including “white-outs,” must be initialed. Failure to initial price changes may preclude an award from being made to a bidder.

1.4.8 Joint Venture

If a joint venture is submitting a bid, the agreement between the parties relating to said joint venture should be submitted with the joint venture’s proposal. Authorized signatories from each party comprising the joint venture must sign the bid proposal. A separate Pay to Play Disclosure Statement, Ownership Disclosure Form, Affirmative Action Employee Information Report, and foreign (i.e. out of State) corporation registration, if applicable, must be supplied for each party to a joint venture.

2.0. DEFINITIONS

The following definitions shall be part of any agreement executed as a result of this RFP:

- a. “Department” or “the State” shall mean the State of New Jersey, Department of Environmental Protection.
- b. “Regional Highlands Center at Mount Paul,” “RHC” or the Facilities shall mean, as shown on the survey map attached hereto as Exhibit A.
- c. “Lease Agreement” shall mean the written agreement(s) resulting from this Request for Proposal executed by the New Jersey Department of Environmental Protection and the winning bidder(s) based on the lease template attached hereto as Exhibit C.
- d. “Tenant(s)” shall mean the winning bidder(s) to this Request for Proposal that enters into a Lease Agreement with the New Jersey Department of Environmental Protection.
- e. “Bidder(s)” shall mean an individual(s) or company (ies) that submits a bid proposal in response to this Request for Proposal.
- f. “Division” shall mean the Division of Parks and Forestry.
- g. “Office” shall mean the Green Acres Program.

- h. “Commissioner” shall mean the Commissioner of the New Jersey Department of Environmental Protection.
- i. “Evaluation Committee” shall mean a committee established by the Department to review and evaluate bid proposals submitted in response to this RFP and to recommend a proposal award.
- j. “Management Plan” shall mean a detailed operational, business plan submitted by each bidder in response to this RFP that details its proposal for operating, managing, renovating and developing the Regional Highlands Center at Mount Paul in accordance with the State’s goal. The Management Plan shall also include a Facility Improvement Plan setting forth projected uses and anticipated improvements to the RHC.
- k. “Fiscal year” shall mean the period beginning July 1 and ending June 30 in any given calendar year.
- l. “Request for Proposal (RFP)” shall refer to this document, which establishes the bidding requirements and solicits proposals to meet the needs of the Department as identified herein.

3.0 SCOPE OF WORK

The Department seeks to enter into a ten-year Lease Agreement with a private individual or entity that will perform the services set forth in the Lease Agreement, which has been attached to this RFP as Exhibit C. Bidders should refer to the Lease Agreement in preparation of submitting a bid proposal to gain a full understanding of the services required to be performed thereunder.

In exchange for entering and performing under the Lease Agreement, the Tenant shall pay the Department a fixed annual fee, which will be adjusted annually based on the Consumer Price Index, plus a fixed percentage of annual gross revenue.

4.0 PROPOSAL PREPARATION & SUBMISSION

4.1 General Information

The bidder must follow the instructions contained in this RFP in preparing and submitting its bid proposal. The bidder is advised to thoroughly read and follow all instructions.

The information required to be submitted in response to this RFP has been determined to be essential in the bid evaluation and proposal award process. Any qualifying statements made by the bidder as to the RFP’s requirements could result in a determination that the bidder’s proposal is materially non-responsive. Each bidder is given wide latitude in the degree of detail

it elects to offer or the extent to which plans, processes, and procedures are revealed. However, each bidder is cautioned that insufficient detail may result in a determination that the bid proposal is materially non-responsive or, alternatively, may result in a low technical score being given to the bid proposal.

4.2 Proposal Delivery and Identification

In order to be considered, a bid proposal must arrive at the Office no later than 5:00 p.m. on Monday, October 19, 2009. All bidders submitting proposals are advised to allow adequate delivery time to ensure punctual delivery of proposals. Late proposals are ineligible for consideration. The exterior of all bid proposal packages must be labeled with the bid identification number, final bid opening date, and the bidder's name.

4.3 Number of Bid Proposal Copies

Each bidder must submit one (1) complete original bid proposal that clearly has been marked as the "ORIGINAL" bid proposal. Each bidder also must submit seven (7) full, double-sided, complete, and exact copies of the original. The copies are necessary in the evaluation of your bid. Bidders failing to provide the required number of copies shall be charged the cost incurred by the Department in producing the required number of copies. It is suggested that the bidder make and retain a copy of its bid proposal for its own records.

4.4 Proposal Content

The bid proposal should be submitted in one volume that is divided in five (5) parts as follows:

4.4.1 Forms (Part 1)

4.4.1.1 Affirmative Action Employee Information Report

The bidder must complete the attached Affirmative Action Employee Information Report (Exhibit D), or alternatively, must supply either (1) a New Jersey Affirmative Action Certificate or (2) evidence that the bidder is operating under a Federally approved or sanctioned affirmative action program. This requirement is a precondition to entering into a valid and binding contract with the State.

4.4.1.2 Non-Profit Registration Reporting (if applicable)

The bidder shall supply proof of its registration with the Directory of Registered Charities maintained by the New Jersey Department of Community Affairs, as well as a letter of determination issued by the Internal Revenue Service establishing that it is exempt from Federal taxation pursuant to Section 501(c)(3) of the Federal Internal Revenue Code, if applicable.

4.4.1.3 Business Registration Reporting (if bidder is a for-profit business)

Proof of valid business registration with the Division of Revenue, Department of Treasury, State of New Jersey, should be submitted by the bidder with its bid proposal. No Lease Agreement shall be executed without proof of business registration with the Division of Revenue. Any questions in this regard can be directed to the Division of Revenue at (609) 292-1730.

All foreign (i.e. out of State) corporations receiving a notice of proposal award shall be afforded seven (7) days thereafter to register with the Division of Revenue.

4.4.1.4 Pay to Play

All bid applications (other than those submitted by non-profit organizations) are subject to the provisions of N.J.S.A. 19:44A-20.13 et seq., N.J.S.A. 19:44A-20.26 et seq. and Executive Order 117 (P.L. 2005 c. 51 and P.L. 2005 c.271, E.O. 117, collectively "Pay to Play"). Compliance with these acts shall constitute a material term and condition of the bid application and these acts shall be binding upon the parties thereto upon the entry of an Lease Agreement. All bidders must complete and submit with their bid proposals the following enclosed forms in accordance with their instructions: (1) Ownership Disclosure Form; (2) Contractor Certification and Disclosure of Political Contributions Form (P.L. 2005, c. 51); and (3) Vendor Certification and Political Contribution Disclosure Form (P.L. 2005, c. 271) (Exhibit E).

Bidders further are advised of their responsibility to file an annual disclosure statement on political contributions with the New Jersey Election Law Enforcement Commission (ELEC), pursuant to N.J.S.A. 19:44A-20.13 (P.L. 2005, c.271, section 3) if the bidder receives contracts in excess of \$50,000.00 from a public entity in a calendar year. It is the bidder's responsibility to determine if filing is necessary. Failure to so file will preclude a proposal award and can result in the imposition of financial penalties by ELEC. Additional information about this requirement is available from ELEC at (888) 313-3532 or at www.elec.state.nj.us.

4.4.2 Background Information (Part 2)

Each bidder shall submit written answers to the following inquiries:

- i. How many years has your organization been in business under its present business name?
- ii. Under what other or former names has your organization operated?
- iii. If your organization is a corporation, provide the following information: date of incorporation; State of incorporation; president's name; vice president's name; secretary's name; and treasurer's name.

- iv. If the organization is a partnership, provide the following information: date of organization; type of partnership; and name(s) of general partner(s).
- v. If your organization is individually owned, provide the following information: date of organization; and name of owner.
- vi. Has your organization ever failed to complete any contract awarded to it?
- vii. Within the past five (5) years, has any officer or principal of your organization ever served as an officer or principal of another organization when it failed to complete a contract?
- viii. Are there any judgments, claims, arbitration proceedings, or lawsuits pending or outstanding against your organization or its officers?
- ix. Has your organization filed any lawsuits or requested arbitration with regard to any contracts within the last five (5) years?
- x. Has any owner made a claim against you, which has resulted in arbitration or litigation with the past five (5) years?
- xi. Has your organization or any of its officers or owners ever been convicted of a crime, or are they presently the target of any criminal or administrative investigation?
- xii. Has your organization or any of its officers or owners ever been disqualified, suspended, or debarred from a contract with any Federal, State, or local government entity?

If the answer to any questions “vi” through “xii” is yes, please provide details.

Each bidder also shall describe in detail its expertise in operating facilities similar in scope to the Regional Highlands Center at Mount Paul, including:

- i. a description of all facilities the bidder has operated and/or managed, including size, types of programs and services provided, and location of each facility; and
- ii. the length of time bidder operated or managed the facilities set forth in (i) above, including beginning and ending dates.

4.4.3 Technical Proposal (Part 3)

In this Section, the bidder shall describe in detail its plans and approach for fulfilling the requirements as reflected in the Lease Agreement. The Lease Agreement fully describes the

minimum services to be provided by the Tenant. The bidder must present its understanding of the requirements of the Lease Agreement and its ability to fulfill said requirements successfully. However, the bidder should not be limited by the services described and is encouraged to expand upon, supplement, or add other service areas where the bidder has expertise that may benefit the State. This section of the bidder's proposal should contain at least the following information:

4.4.3.1 Management Overview

The bidder shall set forth its overall technical approach and plans to meet the requirements of the Lease Agreement in a narrative format. This narrative should be presented as a Management Plan. The Management Plan shall contain a complete description of how the bidder intends to manage and operate the Regional Highlands Center at Mount Paul in accordance with the Lease Agreement, including a thorough description of any programs or services that the Tenant will provide, anticipated special events and a Facility Improvement Plan, which describes anticipated improvements to structures, grounds, etc. The narrative should convince the State that the bidder understands the objectives the Lease Agreement, the nature of the services required, and the level of effort necessary to successfully carry out the Lease Agreement. The bidder's narrative further should be designed to convince the Department that the bidder's Management Plan is viable and that the bidder's general approach to undertaking the Lease Agreement and fulfilling the State's goals is in accordance with the tasks and subtasks involved.

Mere reiteration of the requirements set forth in the Lease Agreement is strongly discouraged, in that such a narrative would not provide insight into the bidder's ability to successfully perform under the Lease Agreement. In sum, the bidder's response to this Section of the RFP should be designed to convince the Department that the bidder's detailed plans and proposed approach to using and operating an environmental/conservation education and/or outdoor leadership/recreation facility under the Lease Agreement are realistic, attainable, and appropriate and that the bidder's proposal will lead to successful performance.

4.4.3.2 Agreement Management

The bidder should describe its specific plans to manage, control, and supervise the programs and services to be offered at the Regional Highlands Center at Mount Paul to ensure satisfactory performance according to the bidder's proposal. The Management Plan should include the bidder's approach to communication with the Department, including but not limited to status meetings and status reports.

4.4.3.3 Specific Plan Content

The bidder's Management Plan should set forth its plans to operate an environmental/conservation education facility and/or an outdoor recreation and leadership training center.

i. Facility

The bidder should identify and fully detail the following: the type of programs to be run, any and all services to be provided; the potential number of employees and job titles; required qualifications for all specific positions; proposed hours of operation; a suggested fee schedule for all services; and proposed plans for improvements. With respect to a fee schedule, the bidder in its Management Plan shall establish all applicable fees, which will be subject to the Department's review and approval. Fees should be comparable to those charged by similar operations run in the area.

The bidder should state whether it intends to have a caretaker/manager live on the premises and what that manager's job responsibilities will be.

ii. Facility Management Plan

The Management Plan should include proposed marketing ideas, information about the bidder's overall business management plan or business model and it should address how the bidder will promote the facility, develop the programs and services onsite, and how the bidder will incorporate the Highlands region into its onsite operations and advertising.

iii. Facility Improvement Plan

The Facility Improvement Plan component of the Management Plan should include a detailed outline of any plans for any improvements, demolitions, repairs, and renovations. The bidder should include a proposed timeframe for the improvements, which should include projected initiation and completion dates as well as generalized cost estimates for the proposed work. Efforts to incorporate green building and design principles are encouraged.

4.4.3.4 Mobilization and Implementation Plan

The bidder should include as part of its bid proposal a mobilization and implementation plan, beginning with the date of notification of the proposal award. The mobilization and implementation plan should include the following elements:

- i. A detailed timetable for the mobilization and implementation period. This timetable should be designed to demonstrate how and when the bidder will have the facility operational.
- ii. The bidder's plan for the development and use of management, supervisory, or other key personnel during the mobilization and implementation period. The plan should show all management, supervisory, and key personnel that will be assigned to manage, supervise, and monitor the bidder's mobilization and implementation of the Lease Agreement.

4.4.3.5 Potential Problems

The bidder should set forth a summary of any and all problems anticipated during the term of the Lease Agreement. For each problem identified, the bidder should provide its proposed solution.

4.4.4 Organizational Support and Experience (Part 4)

The bidder should include information relating to its organization, personnel, and experience, including but not limited to references, together with contact names and telephone numbers, evidencing the bidder's qualifications and capabilities.

4.4.4.1 Location

The bidder should include the name, location, and telephone number of the individual or organization that is submitting the proposal.

4.4.4.2 Organization Chart [Specific]

The bidder should include an organization chart with names showing the management, supervisory, and other key personnel, who will be employed by bidder. The chart should include the labor category and title of each such individual. If the positions have not yet been filled, the bidder should so indicate, but include the titles of all personnel whom bidder intends to hire.

4.4.4.3 Resumes

Detailed resumes should be submitted for all management, supervisory, and key personnel who will be employed by bidder in fulfilling the purpose of the Lease Agreement. Resumes should be structured to emphasize the relevant qualifications and experience of these individuals in successfully completing projects of similar size and scope to those set forth in the Lease Agreement. Resumes should clearly identify previous experience in similar ventures. Beginning and ending dates should be given for each similar venture. A description of the venture should be given and should demonstrate how the individual's work on the venture relates to the individual's ability to contribute to the successful fulfillment of the purposes of the Lease Agreement. With respect to each similar venture, the bidder should include the name and address of each reference, together with a person and telephone number to contact for a reference check.

In the event the bidder must hire or otherwise engage management, supervisory, and/or key personnel if awarded the proposal, the bidder should include a recruitment plan for such personnel.

4.4.4.4 Backup Staff

The bidder should include a list of backup staff that may be called upon to assist or replace primary individuals performing under the Lease Agreement. Backup staff must be clearly identified as such.

In the event the bidder must hire management, supervisory, and/or key personnel if awarded the proposal, the bidder should include, as part of its recruitment plan, a plan to secure backup staff in the event that primary individuals initially assigned need assistance or must be replaced during the term of the Lease Agreement.

4.4.4.5 Organization Chart [Complete]

The bidder should include an organization chart depicting the bidder's entire organizational structure. This chart should show the relationship of the individuals performing under the Lease Agreement to the bidder's overall organizational structure.

4.4.4.6 Experience of Bidder on Projects of Similar Size and Scope

As evidence of the bidder's ability to complete the services set forth in the Lease Agreement, the bidder should provide a comprehensive listing of facilities similar in size and scope that it has managed or operated. A description of all such projects should be included and should demonstrate how such projects relate to the bidder's ability to complete the services required under the Lease Agreement. For each such project, the bidder should provide the name and telephone number of a contact person.

4.4.4.7 Financial Viability of the Bidder

The bidder shall provide proof of its financial capacity and capabilities to undertake and successfully carry out its responsibilities under the Lease Agreement. To satisfy this requirement, the bidder shall submit the following with its bid proposal:

- i. The name and address of the bidder's bank, chief banking representative handling the bidder's account, and the bidder's federal employer information number (FEIN number);
- ii. Certified financial statements, including applicable notes, reflecting the bidder's assets, liabilities, net worth, revenues, expenses, profit or loss, and cash flow for the most recent calendar year or the bidder's most recent fiscal year; or
- iii. If a certified financial statement is not available, then either a reviewed or compiled statement from an independent accountant setting forth the same information shall be provided.

4.4.5 Monetary Proposal (Part 5)

The bidder must submit all requested monetary proposals. Failure to submit all requested monetary proposals may result in the bidder's proposal being considered materially non-responsive. Each bidder must hold its price(s) firm through completion of the proposal award process.

Each bidder submitting a proposal shall submit two figures as part of its monetary bid:

- i. Annual fee to be paid to the Department; and
- ii. A threshold amount of annual gross revenue, above which the Operator will be required to remit fifteen (15) percent to the Department. (e.g. If the successful bidder submits a threshold gross revenue amount of \$100,000.00, it shall be required to remit 15% of all gross revenues above \$100,000.00 to the Department on an annual basis).

For purposes of this RFP and the Lease Agreement, gross revenue is defined to include all gross charges for all services to customers or patrons performed by the Tenant or any other person, firm, or corporation in, upon, or through any part of the Regional Highlands Center at Mount Paul, including, but not limited to, fees for educational programs, activities, research programs, room and board and sales at the gross selling price of merchandise and items of every character sold in, upon, or through the facility, by the Tenant, or any other person, firm, or corporation, including, but not limited to, all revenues and sales related to the operation of the Regional Highlands Center at Mount Paul, and shall include sales and charges for cash and credit, regardless of whether or not the same is collected or uncollected, less all proper credits for returned merchandise, merchandise exchanges and merchandise cancellations, allowances, or discounts, as well as any sales taxes collected by the Tenant and remitted to taxing authorities.

5.0 AGREEMENT TERMS & CONDITIONS

5.1 Precedence of Agreement Terms and Conditions

The Lease Agreement ultimately shall consist of this RFP, any addendum to this RFP, the winning bidder's proposal, the Department's Notice of Acceptance, and the executed Lease Agreement. The bidder shall agree to all of the material terms and conditions of the Lease Agreement.

In the event of a conflict between the provisions of this RFP and any addendum to the RFP, the addendum shall govern. In the event of a conflict between the provisions of this RFP (including any addendum to same) and the winning bidder's proposal, the RFP and/or addendum shall govern.

5.2 Agreement Term and Extension Option

The term of the Lease Agreement shall be for a period of ten (10) years, unless earlier terminated pursuant to the terms of the Lease Agreement. The anticipated Effective Date will be provided in the Lease Agreement. The Lease Agreement may be renewed for an additional ten (10) year period, by mutual written consent of the Tenant and the Department.

If Department permits the Tenant to continue leasing the Regional Highlands Center at Mount Paul after expiration of the Lease Agreement without having executed a new written lease with the Department, then the Tenant shall lease the property subject to all terms, covenants, and conditions contained in the expired Lease Agreement. Such continuation of operations by the Tenant shall not constitute a renewal or extension of the expired Lease Agreement.

6.0 PROPOSAL EVALUATION & SELECTION PROCESS

6.1 Proposal Evaluation Committee

Proposals will be evaluated by an Evaluation Committee composed of representatives from the Department of Environmental Protection.

6.2 Oral Presentation and/or Clarification of Proposal

A bidder may be required to give an oral presentation to the Evaluation Committee concerning its bid proposal. The Evaluation Committee also may require a bidder to submit written responses to questions regarding its bid proposal. The purpose of such communication with a bidder, either through an oral presentation or written letter of clarification, is to provide an opportunity for the bidder to clarify or elaborate on its bid proposal. However, original bid proposals may not be supplemented, changed, or corrected in any way. No comments regarding other bid proposals are permitted. Further, bidders may not attend presentations made by other bidders.

It is within the discretion of the Evaluation Committee to require a bidder to make an oral presentation or to submit written responses to questions regarding its bid proposal. Action by the Evaluation Committee in this regard should not be construed to imply acceptance or rejection of a bid proposal. The aforementioned contact in section 1.3 will be the sole point of contact regarding any request for an oral presentation or written clarification.

6.3 Evaluation Criteria

The following evaluation criteria, not necessarily listed in order of significance, shall be used to evaluate bid proposals received in response to this RFP. The evaluation criteria categories may be used to develop more detailed evaluation criteria to be used in the review process:

- i. The bidder's general approach and plans in meeting the requirements of this RFP;

- ii. The bidder's detailed approach and plans to perform the services under the Lease Agreement;
- iii. The bidder's documented experience in managing or operating environmental education and outdoor recreation facilities of a similar size and scope to its proposed uses on Regional Highlands Center at Mount Paul;
- iv. The qualifications and experience of the bidder's management, supervisory, and other key personnel, with emphasis on documented experience that is consistent with the proposed uses for the Regional Highlands Center at Mount Paul;
- v. The bidder's overall ability to mobilize, undertake, and successfully perform in accordance with the Lease Agreement. This judgment will include but not be limited to the number and qualifications of management, supervisory, and other staff proposed, the availability and commitment to the Lease Agreement of the bidder's management, supervisory, and other staff proposed, and the bidder's Management Plan;
- vi. The bidder's financial viability and organizational history; and
- vii. The bidder's monetary proposal.

6.4 Selection Process

The proposal shall be awarded with reasonable promptness and by written notice to the responsible bidder whose bid, conforming to the invitation for bids, will be most advantageous to the State, price and other factors considered. Any or all bids may be rejected if the Department determines that it is in the public interest to do so.

7.0 EXHIBITS

- A. Map of RHC with lease area identified.
- B. Structural Inspection Report by Polo & Associates Home Inspections, LLC.- Jefferson Township, Morris County, New Jersey
- C. Lease Agreement (proposed)
- D. Affirmative Action Employee Information Report
- E. Pay to Play Forms: (1) Ownership Disclosure Form; (2) Contractor Certification and Disclosure of Political Contributions Form (P.L. 2005, c. 51); and (3) Instructions -- Contractor Certification and Disclosure of Political Contributions (P.L. 2005, c. 51); (4) Vendor Certification and Disclosure of Political Contribution Disclosure Form (P.L. 2005, c. 2711); (5) Executive Order 117 Notice; (6) Certification on Behalf of A Company, Partnership or Organization and All Individuals Whose Contributions are Attributable to the Entity (Executive Order No. 117 (2008)); and (6) Individual Certification of Compliance with Executive Order No. 117 (2008).