INSTRUCTIONS TO BIDDERS
FOR THE GASOLINE CONCESSION
AT LAKE MILTON STATE PARK

The Director of Natural Resources, under authority of Section 1501.10 of the Ohio Revised Code, desires to bid the operation of a certain public service facilities as described in the lease enclosed herein for the purpose of obtaining and assuring highly competent, economic and practical management and operation of such public service facility, and thus furnish recreational opportunities to the public of the highest quality obtainable and at a reasonable cost.

BIDDING REQUIREMENTS

Bid Proposal Form

The bidder will make a proposal as to the amount of compensation to be paid to the Department. In order to be considered, proposals must be based on percentages of the gross receipts derived from the categories of sales as listed on the official Bid Proposal Form. Bids must be based on percentages only and may be extended to increments **no smaller than tenths of a percent**. Bids must not be referenced by the bidder to any given level of sales.

Bids submitted in any form other than as requested on the official "Bid Proposal Form" will be considered non-responsive to the bid specifications and will not be considered.

Non-Collusion Affidavit

The non-collusion affidavit is a part of this proposal that shall be filled out in full and properly executed by the bidder before the proposal is submitted for consideration. More than one proposal from a bidder under the same or different names will not be considered. Reasonable grounds for believing that any bidder is interested in more than one proposal will cause the rejection of all proposals in which the bidder is interested.

Bid Bond

Each bidder shall be required to submit a bid bond in the amount of **five hundred dollars** ($500.00). Either the enclosed Bid Bond form, properly endorsed by an established surety company, or a certified check, Cashier's Check, Official Bank Check or Money Order in the above amount payable to the *Department of Natural Resources* may be submitted in fulfillment of this requirement. Commercial bid bonds will be returned to all unsuccessful bidders upon the award of the contract, and checks will be vouchered to those bidders who submitted a check or money order in lieu of a commercial bid bond. The Bid Bond will be returned to the successful bidder upon execution of the contract.

Applicable Law

The Bidder understands that this contract will be considered as being negotiated in and executed within the State of Ohio and the contract shall be construed according to the laws of this State.

Qualifications of Bidders

Corporations bidding (and their guarantor, if applicable) must provide financial statements, which <u>shall include</u> a balance sheet and income statement with appended notes, in the form as included herein, prepared in accordance with generally accepted accounting principles. Such statements shall be provided for the last three complete years. In the case of subsidiaries where separate financial statements of the subsidiary are not generated, the above referenced financial statements of the parent corporation shall be submitted in its place. If a company bidding has a guarantor, the guarantor must also provided a notarized written guarantee. In the event the contract is awarded to a company with a guarantor or where a parent corporation-subsidiary relationship exists, the guarantor or parent

corporation must also sign the contract.

In the case of newly formed corporations where financial statements do not exist, such corporations must submit the financial statements of a guarantor. Such guarantor may be either another corporation, for which financial statements do exist, or an individual. In either such case, the guarantor will be required to fulfill the financial disclosure requirement (financial statement), and will be required to sign the contract with the bidder.

Individuals or other organizations bidding must complete the attached personal financial statement and submit copies of its three most recently filed income tax returns.

Failure to comply with the financial statement requirements will be considered as a disqualification of the bid.

All bidders must also submit the Experience Questionnaire/Plan of Operation, which includes past record, personnel organization and experience, and a plan of operation, other information as requested, and pro forma statement(s). In making a determination as to which is the best bid received in consideration of the public interest, the qualifications of the bidder to accomplish and continue to perform the services contemplated by the contract will be considered of special importance to the Director in awarding the contract. Bidders should give special attention to the thoroughness and accuracy of information in their responses to these requirements.

Foreign Corporation or Non-Resident

Before a contract will be awarded to a foreign corporation or a person or partnership non-resident of the State of Ohio, a certificate from the Secretary of State will be required by the Director that such corporation is authorized to do business in the State of Ohio or that such person or partnership has filed a Power of Attorney designating the Secretary of State his or its agent for the purpose of accepting service of summons in any action relating to the contract or brought under the provisions of the Workers' Compensation Laws of the State.

Subcontracting of Properties by Concessionaire

Per the terms of the contract to be awarded, the awardee of said contract may subcontract any portion of the properties under contract with the prior written approval of the Department. In the event a bidder may plan to subcontract, it is important to bear in mind that the bid percentages reflected on the bid proposal forms shall be used to calculate return to the State based on <u>total dollar sales</u> derived by the performance of any services or functions subcontracted, <u>not on commissions received</u> from same by the concessionaire. For this reason, bids will not be accepted which offer payment to the State based on commissions or profits.

BIDDING PROCEDURES

Sealed bid proposals will be received in the Division of Parks and Recreation, Concessions Section, 2045 Morse Road, Building C, Third Floor, Columbus, Ohio 43229-6693 until 2:00 p.m. on bid opening day. Bids will be publicly opened thereafter by the Chief or his authorized agent. The right is reserved to reject any and all bids. All properly completed bids received prior to bid opening time will be carefully and objectively reviewed by the Department. Any bid(s) received after the bid opening time will not be considered.

Parties interested in bidding for the rights and privileges for such operation shall submit bid proposals which shall be prepared upon the official bid proposal forms.

The Sample Lease included in the bid package is the lease form that the successful bidder will be required to sign. No changes to this lease form may be made or proposed by the bidder as part of his/her bid.

INSTRUCTIONS TO BIDDERS

Bid proposals including all items required by these instructions shall be sealed in an envelope with the bid opening date, time, and facility name on the outside of the envelope. If sending by mail, enclose the bid envelope in a mailing envelope and send. **Envelopes without the affixed bid date, time, and facility name posted online may be rejected.** The following items are included with the online bid package and become a part of the bid proposal:

1. Official bid proposal form
2. Non-collusion affidavit
3. Experience Questionnaire and Plan of Operation (including pro forma)
4. Financial Statement
5. Bid Bond
6. Envelope (provided by bidder) with the bid number and opening date affixed. (Bid number, opening date, and time provided online)

More than one proposal from a bidder under the same or different names will not be considered. Reasonable grounds for believing that any bidder may have an interest in more than one proposal will cause the rejection of all proposals in which the bidder may have his interest.

Completeness of Bid Package

The physical make-up and content of the bid package provided online by the Department are designed to be complete for the preparation and submittal of bids; however, the Bidder shall verify to his own satisfaction that all materials provided online to him, including addenda, are accessible and complete. Should the Bidder discover that a page, sheet, or other item is inaccessible or missing, he shall so notify the Division of Parks and Recreation, and the inaccessible or missing item(s) will be made available by other means to the Bidder. After proposals have been submitted, no claims of ignorance of the requirements due to missing or inaccessible materials will be recognized. If, in the judgment of the Department an addendum is required, the Department will prepare an addendum and post it online. The Department will also send all parties recorded by the Department as having been emailed notification of the bid package notice of the newly posted addendum. Each Bidder shall have the responsibility to ensure that the proposal is responsive to all addenda issued. Failure to receive any addenda shall not release the Bidder from the obligations imposed in such addenda.

BID REVIEW PROCEDURES

Under the terms of Section 1501.10 of the Ohio Revised Code and in accordance with any rules and regulations of the Director, the lease will be awarded at a later date to the individual, firm, partnership, association or corporation who submits the highest and best bid.

In reviewing bids, the following criteria, shown with point weights, will be used:

1.	Monetary return to the State.	1000
2.	Experience in the same type of operations and qualifications of key personnel.	600
3.	Overall operating plan/Table of organization & staffing plans.	500
4.	Experience, examples and plans for quality customer service, cleanliness, and quality customer service.	500
5.	Financial capabilities of the bidder, including debt ratio.	100
6.	Up-front investment and details.	100
7.	Marketing plan and resources devoted to marketing.	50
8.	Proposed prices and rates.	50
9.	Employee training plan.	50
10.	Contingent liabilities.	50

If any proposals require clarification, the Director may request such clarification by bidder(s). The Director may require any bidder to furnish additional evidence of his financial condition or ability to perform the obligations and responsibilities imposed by the terms and conditions of the lease, and such other information as may be considered desirable by him/her. No bidder will be permitted, in connection with the submission of the above information, to alter any pertinent factors contained in his original proposal. The right is reserved by the Director to waive any irregularities in any proposal.

All bidders will be notified as to the results of the bid award. The successful bidder will be required to enter into a lease with the State of Ohio.

Questions may be directed to:

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