



**STATE OF NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE PARK SERVICE**

REQUEST FOR PROPOSAL

**OPERATION OF
MOBILE FOOD (WITHOUT FACILITY) CONCESSION**

CAPE MAY POINT STATE PARK

Lower Township, Cape May County, New Jersey

RFP Release Date: March 25, 2025

Questions and Inquiries Deadline: April 9, 2025

Proposal Submission Deadline: April 23, 2025

1. PURPOSE

1.1 This Request for Proposal (“RFP”) is issued by the New Jersey Department of Environmental Protection (“Department”), State Park Service, on behalf of the State of New Jersey (“State”). The purpose of this RFP is to solicit proposals from interested, experienced, and qualified individuals and/or businesses (“Bidders”) to provide mobile food vending services at Cape May Point State Park in Lower Township, Cape May County. The Department is seeking an individual and/or business that has experience operating mobile food units or other food services to provide high quality and reasonably priced food, non-alcoholic beverages, and novelty items for purchase from a fully-equipped, completely self-contained mobile retail food unit (hereinafter referred to as the “Concession Operation”). The Department will award an agreement (“Concession Agreement”) to a Bidder with the experience necessary to satisfactorily operate the Concession Operation (“Concessionaire”).

1.2 This RFP document is an instructional document meant to summarize the scope of the proposed Concession Operation and provide information regarding the RFP process. The specific terms and conditions pertaining to the Concession Operation are detailed in Exhibit A: Proposed Concession Agreement. **All Bidders should read the Proposed Concession Agreement carefully before submitting a proposal.**

2. BACKGROUND AND AREA DESCRIPTION

2.1 Cape May Point State Park is 244 acres of freshwater meadows, ponds, forests, dunes and beach. Just a short bike ride from historic Cape May, the Park is best known for the famous Cape May Lighthouse, a World War II gun battery and fire control tower, world renowned fall bird migration, monarch butterflies and Cape May diamonds. The Park is one of the most popular sites for bird watching in North America and a natural route for migratory birds. Thousands of visitors annually enjoy beach walking, hiking, birding and fishing. Nature programs are also available. The lighthouse and fire control tower are open seasonally and are administered by the Mid-Atlantic Center for the Arts and Humanities.

3. SUMMARY

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| 3.1 Scope of Services: | Mobile food, non-alcoholic beverage, and novelty item vending services for visitors of Cape May Point State Park. |
| 3.2 Premises: | A designated vending area at Cape May Point State Park, as depicted in Exhibit B. The Concession Premises is offered in as-is condition. All Bidders should familiarize themselves with the Concession Premises prior to the submission of their Proposal. |

3.3 Permissible Food Offerings:

Permissible types of food and non-alcoholic beverages include, but are not limited to:

1. Hot Food: breakfast sandwiches, paninis, pizza, burritos, hot dogs, hamburgers, french fries, chicken nuggets, hot pretzels, etc.,
2. Cold Food: sandwiches, wraps, salads, gyros, etc.,
3. Desserts and Snacks: fruit, cookies, doughnuts, chips, pretzels, etc.,
4. Ice cream: hard ice cream, water ice, shaved ice, soft serve, gelato, frozen yogurt, etc., and
5. Non-Alcoholic Beverages: coffee, tea, smoothies, juice, soda, water, etc.

Department will give preference to Bidders who propose to offer substantial food options, such as the hot or cold food items listed above. Please refer to Exhibit E for detailed Proposal evaluation criteria.

3.4 Term:

Initial term of one season (May 14, 2025 through September 11, 2025), with an option to renew the Agreement for up to five (5) subsequent one-season renewal terms, subject to Department approval.

3.5 Period of Operation:

The Saturday before Memorial Day through Labor Day.

While not required, the Department prefers that Concessionaire operate the Concession through October 31st to provide food vending services during the busy fall season at Cape May Point State Park. Concessionaire may request Department approval to extend the Period of Operation in accordance with Paragraph 8 of the Proposed Concession Agreement. Additional compensation to Department will be required for the extended period. Department will calculate the additional compensation on a monthly basis or prorated by day using a rate of fifty percent (50%) of the daily rate for the Required Days of Operation.

3.6 Set-Up and Take-Down Periods

Setup Period: Ten (10) calendar days prior to the Saturday before Memorial Day.

Take-Down Period: Ten (10) calendar days after Labor Day.

3.7 Days of Operation:

Required Days of Operation: Sunday through Saturday during the Period of Operation.

3.8 Hours of Operation:

11:00 a.m. through 4:00 p.m. Concessionaire may request Department approval to extend the hours of operation.

3.9 Compensation:

Monthly Concession Payments with annual escalations of three percent (3%).

3.10 Required Reports

Monthly Reports required within ten (10) calendar days after the end of each calendar month. Annual Report required no later than October 15th following each term of the Agreement.

3.11 Utilities:

Two 110v outlets are available for use by Concessionaire at the Concession Premises. Concessionaire is responsible for the payment of any and all utility charges. Concessionaire will be required to pay a utility payment to the Department if Concessionaire uses electricity.

3.12 Licenses, Permits, and Other Required Documents:

Concessionaire shall obtain, pay for, maintain, and comply with all licenses, permits, certifications, authorizations, approvals, or any other documents required by all applicable government agencies having jurisdiction over the Concession Premises. Specifically, Concessionaire must contact New Jersey Department of Community Affairs, Division of Fire Safety ("DCA") to have their mobile unit inspected and obtain a Fire Safety Permit(s) if the mobile unit will use equipment that produces an open flame, that produces grease laden vapors, or that is otherwise subject to the New Jersey Uniform Fire Code. The mobile unit must be re-inspected by DCA and must receive Fire Safety Permits if it is removed from the Area overnight. Concessionaire will be responsible for paying all fees associated with inspections, permits, etc.

3.13 Storage:

Storage of the mobile unit at the Concession Premises is only permitted during the Period of Operation and the designated

ten (10) day set-up and take-down periods. Storage is not permitted outside any Term of the Agreement. All supplies, goods, and equipment must be removed within the designated ten (10) day “take-down” period set forth in Paragraph 6 of the Agreement.

3.14 Payment Abatements: Payment abatements will not be given by the Department for any reason.

4. NOTICES TO BIDDERS

4.1 UNSCHEDULED CLOSURES/NO PAYMENT ABATEMENTS

4.1.1 All Bidders are hereby advised that the State Park Service facilities are subject to unscheduled closures for reasons including, but not limited to, health, public welfare, public safety, and government closures. These closures may result from harmful algal blooms (HABs) or other water quality issues, inclement weather, staffing, emergencies, or other causes. Payment abatements will not be given for any reason.

5. QUESTIONS AND INQUIRIES

5.1 Department will accept questions and inquiries regarding this RFP from all potential Bidders. Questions may be directed only to the Department and must be submitted by email to: PublicLandAdministration@dep.nj.gov.

5.2 The deadline for the submission of questions shall be **April 9, 2025**. It is requested that Bidders with long, complex, or multiple-part questions submit them as far in advance as possible. Questions should follow the organization of the RFP and be asked in consecutive order, from beginning to end. Each question should begin by referencing the page number and the paragraph number of the RFP to which it relates.

5.3 Brief procedural inquiries may be accepted over the telephone by the Public Land Administration Section. The Public Land Administration Section will not answer any inquiries that require interpretation of the RFP. However, oral explanations or instructions given by Department over the phone shall not be binding upon the State. **Bidders shall not contact State Parks, Forests & Historic Sites or any other branch of the Department directly, in person or by telephone, concerning this RFP.**

5.4 All responses to written questions will be posted by Department at <https://dep.nj.gov/otpla/public-notice/#PLA-concessions> by **April 16, 2025**.

6. PROPOSAL PREPARATION AND SUBMISSION

6.1 GENERAL INFORMATION

6.1.1 Each Bidder must strictly follow the instructions contained in this RFP and the Proposal Application when preparing and submitting its Proposal. Bidders are advised to thoroughly read and follow all instructions.

6.1.2 The information required for submission in response to this RFP has been deemed essential to the proposal evaluation and selection process. Any qualifying statements made by Bidders as to the RFP's requirements may 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 Proposal is materially non-responsive or, alternatively, may result in a low technical score being given to the Proposal.

6.2 PROPOSAL APPLICATION

6.2.1 Each Bidder shall submit to Department a completed Proposal Application ("Application"). The Application is attached hereto as Exhibit D and available at <https://dep.nj.gov/otpla/public-notice/#PLA-concessions>.

6.2.2 Completed Applications must contain a thorough description of how the Bidder intends to fulfill its obligations under the Proposed Concession Agreement. The narrative should exemplify to Department that the Bidder understands the objectives of the RFP and Proposed Concession Agreement, the nature of the services required, and the level of effort necessary to successfully execute the services under the Proposed Concession Agreement. Furthermore, the Bidder's narrative should be designed to demonstrate that the Bidder's proposal is viable and can be successfully executed.

6.2.3 Mere reiteration of the requirements set forth in the RFP and Proposed Concession Agreement is strongly discouraged, as such a narrative would not provide insight into the Bidder's ability to successfully perform under the Proposed Concession Agreement. The Bidder's response to this RFP should be designed to demonstrate that the Bidder's detailed plans and proposed approach to performing the requirements under the Proposed Concession Agreement are realistic, attainable, and appropriate, and that the Bidder's proposal will lead to successful performance thereunder.

6.3 MONETARY PROPOSAL

6.3.1 Each Bidder must submit the required monetary proposal ("Monetary Proposal") as part of the Monetary Proposal form included in the Application. Failure to submit the required Monetary Proposal shall result in the Bidder's Proposal being considered materially non-

responsive. Each Bidder must hold its Monetary Proposal firm through completion of the Proposal Evaluation and Selection Process.

6.3.2 Each Bidder's Monetary Proposal must be an amount **equal to or greater than the Department's minimum guaranteed compensation amount of Six Thousand Three Hundred Dollars (\$6,300.00)** for the Period of Operation of the Initial Term of the Concession Agreement.

6.3.3 Any Monetary Proposal that does not meet the minimum guaranteed compensation amount shall be considered non-responsive to the RFP and the Bidder's Proposal shall be rejected without further consideration.

6.4 NEW JERSEY BUSINESS REGISTRATION

6.4.1 Pursuant to N.J.S.A. 52:32-44, the State (including the Department of Environmental Protection) is prohibited from entering into an agreement with an organization unless the Bidder has provided a copy of its business registration certificate (or interim registration) as part of its Proposal submission. Failure to submit a copy of the Business Registration Certificate within the Proposal is a cause for rejection of the Proposal. If Concessionaire or its subcontractor, if any, is not already registered with the New Jersey Division of Revenue, registration can be completed online at the Division of Revenue Website: <http://www.state.nj.us/treasury/revenue/busregcert.shtml>.

6.5 PROPOSAL SUBMISSION INSTRUCTIONS

6.5.1 To be considered by the Department, a Proposal responding to this RFP must arrive at the Public Land Administration Section no later than **noon on April 23, 2025**. Proposals may be submitted by mail, by hand delivery, or by email. All Bidders submitting Proposals are advised to allow adequate delivery time to ensure punctual delivery of Proposals by the date and time set forth herein. **LATE PROPOSALS SHALL BE INELIGIBLE FOR CONSIDERATION.**

6.5.2 A Bidder must submit a completed Application for each RFP that the Bidder is bidding on.

6.5.3 **If submitted by mail or hand delivery**, the exterior of the Proposal package envelope must be labeled with the following information:

1. The RFP Number associated with the Concession Opportunity.
2. The Name of the State Park/Forest/Marina and Concession Opportunity.
3. The Proposal Submission Deadline.
4. The name of the individual or corporation submitting the Proposal.

For example: *LE25-041*

Cape May Point State Park – Mobile Food Concession

April 23, 2025

ABC Corporation

6.5.4 The Proposal package shall be submitted to the following address:

Department of Environmental Protection
Office of Transactions and Public Land Administration
Public Land Administration Section
PO Box 420, Mail Code 401-07
Trenton, New Jersey 08625-0420

6.5.5 It is permissible to hand deliver a sealed Proposal package to the Public Land Administration Section. Please contact the Public Land Administration Section at PublicLandAdministration@dep.nj.gov for instructions for hand delivery.

6.5.6 If submitted by email, the subject line of the email must contain “Concession Proposal” and the RFP Number associated with the Concession Opportunity (e.g. *Concession Proposal for LE25-041*), and the body of the email must contain the following information:

1. The Name of the State Park/Forest/Marina and Concession Opportunity.
2. The Proposal Submission Deadline.
3. The name of the individual or corporation submitting the Proposal.
4. The total number of emails being submitted for the Proposal package (if applicable).

For example: *Cape May Point State Park – Mobile Food Concession*
April 23, 2025
ABC Corporation
Email 1 of 3

6.5.7 All Bidders submitting Proposals by email are advised that the maximum email size Department is capable of receiving is twenty-five (25) megabytes (MB). Proposals exceeding twenty-five (25) MB must be submitted in multiple emails, each less than twenty-five (25) MB, and each containing the information outlined in this paragraph. Bidders submitting Proposals by email will receive an automatic reply confirming receipt of the email. If the Proposal is submitted in multiple emails, only one automatic reply will be generated. Department will make its best effort to confirm receipt of all Proposal submission emails. If an automatic reply is not received after submitting a Proposal by email, or if Department has not confirmed receipt of a Proposal submitted in multiple emails, please contact the Public Land Administration Section at PublicLandAdministration@dep.nj.gov or (609) 940-4400 prior to the Proposal Submission Deadline.

6.5.8 All Proposal packages must arrive at the Public Land Administration Section no later than noon on April 23, 2025. LATE PROPOSALS SHALL BE INELIGIBLE FOR CONSIDERATION.

7. CONCESSION PROPOSAL EVALUATION AND SELECTION PROCESS

7.1 EVALUATION PROCESS

7.1.1 Department shall review and evaluate all Proposals in accordance with the procedures and upon the criteria set forth in this Section, as further outlined in the Application attached as Exhibit D, and in the Proposal Evaluation Form attached as Exhibit E.

7.1.2 Proposals will be reviewed and evaluated by a committee, which shall include participants from Department's Office of Transactions and Public Land Administration and/or State parks, Forests & Historic Sites ("Evaluation Committee").

7.2 EVALUATION CRITERIA

7.2.1 The following evaluation criteria, not necessarily listed in order of significance, shall be used to evaluate Proposals received in response to this RFP:

- a. The Bidder's Operational Management Plan, including the Bidder's Mobilization and Implementation Plan;
- b. The Bidder's Experience and Organizational Structure;
- c. The Bidder's Organizational History and Past Performance; and
- d. The Bidder's Monetary Proposal.

7.2.2 The Department uses the evaluation criteria categories to develop more detailed evaluation criteria for the Proposal review process. Bidders should refer to the Proposal Evaluation Form attached as Exhibit E for detailed criteria.

7.3 SELECTION PROCESS

7.3.1 The Concession Agreement shall be awarded with reasonable promptness and by written notice to the responsive Bidder whose Proposal, conforming to the RFP, is most advantageous to the State, price and other factors considered. Any or all Proposals may be rejected if Department determines that it is in the public interest to do so.

7.4 BEST AND FINAL OFFER (BAFO)

7.4.1 Department may invite one Bidder or multiple Bidders to submit a best and final offer (BAFO). Said invitation will establish the time and place for submission of the BAFO(s). Any BAFO that is not higher in price than the pricing offered in the Bidder's original Proposal will be rejected as non-responsive, and Department will revert to consideration and evaluation of the Bidder's original Proposal.

7.4.2 After review of the BAFO(s), Department may conduct more than one round of BAFO(s) in order to attain the best value for the State.

7.4.3 The Bidder is advised to submit its best technical and Monetary Proposal in response to this RFP since the Department may, after evaluation, make a contract award based on the content of the initial Proposal, without inviting Bidder(s) to submit BAFO(s).

7.4.4 All contacts, records of initial evaluations, correspondence with Bidders related to BAFO(s), and other documents pertaining to the Proposal evaluation and selection process, will remain confidential until Department has notified Bidders of its decision.

7.5 REJECTION OF PROPOSAL

7.5.1 Department reserves the right to reject, in its sole discretion, any or all bids at any point in the Proposal Evaluation and Selection Process. If any entity, including any individual, corporation, partnership, sole proprietorship, affiliate or other entity related thereto, that is: (a) listed as debarred by the State of New Jersey; (b) was a party to a prior agreement with the Department that was terminated or not renewed due to breach, non-performance, failure to make required payments due thereunder or otherwise for cause; or (c) owes the Department compensation of any type from a prior agreement shall be considered non-responsive to this solicitation. The Tenant shall not employ, or subcontract or assign the Concession Agreement to, any individual, corporation, partnership, sole proprietorship, affiliate or other entity related to a disqualified entity.

7.5.2 In addition to the reasons for rejection of Proposals mentioned throughout this RFP and above, Proposals may be rejected for any or all of the following reasons:

- a. The Department reserves the right to reject, in its sole discretion, any or all Proposals at any point in the Proposal Evaluation and Selection Process.
- b. The Bidder is not authorized to do business in the State of New Jersey;
- c. The Department has determined that there is an actual or perceived conflict of interest;
- d. Bidder has failed to include any required information with the submittal;
- e. Bidder has failed to disclose a potential conflict of interest;
- f. The Department has determined that there are false or misleading statements in the submittal;
- g. Bidder has not provided the Department with a valid New Jersey Business Registration Certificate;
- h. The Proposal is not responsive to the RFP;
- i. The Bidders Monetary Proposal does not meet the minimum guaranteed compensation amount; and

- j. The Department has determined that Bidders proposed modification and or changes are considered to be inconsistent with the purposes of the Request for Proposal and the Concession Agreement.

7.6 CONTRACT AMOUNT

7.6.1 Compensation amount(s), when stated in this RFP, shall not be construed as either the maximum or minimum amount which Department shall be obligated to accept as the result of this RFP or any Agreement entered into as a result of this RFP.

7.7 DEFAULT OR REFUSAL TO ENTER CONTRACT

7.7.1 In the event of default of the successful Bidder or his/her refusal to enter into a contract with Department, Department reserves the right to award a Concession Agreement to any other qualified Bidder.

8. PAY TO PLAY RESTRICTIONS AND CONTRIBUTION DISCLOSURE

8.1.1 In order to safeguard the integrity of State government procurement by imposing restrictions to insulate the negotiation and award of State contracts from political contributions that pose the risk of improper influence, purchase of access, or the appearance thereof, the Legislature has enacted P.L. 2005, c. 51, as amended by the Elections Transparency Act, P.L. 2023, c. 30 (codified at N.J.S.A. 19:44A-20.13 to -20.25) (Chapter 51) on March 22, 2005, effective retroactive to October 15, 2004, superseding the terms of Executive Order 134 (2004). In addition, on June 15, 2023, Executive Order 333 was issued and made effective immediately (EO 333) which superseded Executive Order 117 and set forth additional limitations on the ability of executive branch agencies to contract with business entities that have made or solicited certain contributions.

8.1.2 Chapter 51 and EO 333 restrict business entities which agree to certain contracts or agreements with the State from making or soliciting certain contributions. Compliance with Chapter 51 and EO 333 is a material term and condition of the Request for Proposal and Agreement, and binding upon the parties thereto upon the entry of all applicable contracts.

8.1.3 Thus, pursuant to the requirements of Chapter 51 and EO 333, it shall be a material breach of the terms of the Agreement, subject to Suspension of Operations and/or Termination in accordance with the terms and conditions set forth in Paragraphs 9 and 10 of the Agreement, for Concessionaire to do any of the following during any Term of the Agreement:

- (i) make or solicit a contribution in violation of Chapter 51 or EO 333;
- (ii) knowingly conceal or misrepresent a contribution given or received;
- (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;

- (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee or any candidate or holder of the public office of Governor, or of Lieutenant Governor;
- (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by Concessionaire itself, would subject Concessionaire to the restrictions of Chapter 51 or EO 333;
- (i) fund contributions made by third parties, including consultants, attorneys, family members, and employees;
- (vii) engage in any exchange or contributions to circumvent the intent of Chapter 51 or EO 333; or
- (viii) directly or indirectly, through or by any other person or means, do any act which would subject Concessionaire to the restrictions of Chapter 51 or EO 333. It is Concessionaire's continuing obligation to report any contributions it makes during any and all Term(s) of the Agreement.

8.2.1 Concessionaire shall submit the Two-Year Chapter 51/Executive Order 333 Vendor Certification and Disclosure of Political Contributions Form, certifying that no contributions prohibited by Chapter 51 have been solicited or made by Concessionaire and reporting all contributions Concessionaire made during the preceding four years to any political organization organized under 26 U.S.C. § 527 of the Internal Revenue Code that also meets the definition of a "continuing political committee" within the meaning of N.J.S.A. 19:44A-3(n) and N.J.A.C. 19:25-1.7. The required Certification and Disclosure Form can be found in the Proposal Application, which Concessionaire is required to complete, and submit, with any Proposal. The Proposal Application is available at: <https://dep.nj.gov/otpla/public-notice/#PLA-concessions>. If Concessionaire has a currently valid Two-Year Certification and Disclosure Form, it may be submitted instead of a new form.

8.2.2 The State Treasurer or his designee shall review the Disclosures submitted by Concessionaire pursuant to this Subparagraph, as well as any other pertinent information concerning the contributions or reports thereof by Concessionaire prior to award or during the term of the Agreement. If the State Treasurer determines that any contribution or action by Concessionaire violated Chapter 51 and EO 333, the State Treasurer shall disqualify Concessionaire from award of the Agreement. If the State Treasurer or his designee determines that any contribution or action constitutes a breach of the Agreement that poses a conflict of interest pursuant to Chapter 51 or EO 333, the State Treasurer shall disqualify Concessionaire from award of the Agreement.

8.3.1 Concessionaire shall submit the Chapter 271 Vendor Certification and Political Contribution Disclosure Form, disclosing its political contributions within the immediately preceding twelve (12) month period. The required Certification and Disclosure Form can be found in the Proposal Application, which Concessionaire is required to complete, and submit, with any

bid. The Proposal Application is available at: <https://dep.nj.gov/otpla/public-notices/#PLA-concessions>.

8.3.2 No prospective Concessionaire will be precluded from being retained by virtue of the information provided in the Chapter 271 Vendor Certification and Political Contribution Disclosure Form, provided the form is fully and accurately completed.

8.4.1 Concessionaire is required, on a continuing basis, to report any contributions and solicitations Concessionaire makes during any Term of the Agreement at the time any such contribution or solicitation is made. Failure to do so is a breach of the Agreement, subject to Suspension of Operations and/or Termination in accordance with the terms and conditions set forth in Paragraphs 9 and 10 of the Agreement.

8.5.1 Concessionaire shall 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-20.27 (P.L. 2005, c. 271, section 2) if Concessionaire receives contracts in excess of Fifty Thousand (\$50,000.00) dollars from public entities in a calendar year. It is Concessionaire's responsibility to determine if filing is necessary. Failure to so file 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.

9 REVISIONS TO THE RFP

9.1 In the event that it becomes necessary to clarify or revise this RFP prior to the Proposal submission deadline, such clarification or revision will be by addendum and shall be posted on the Department's website at <https://dep.nj.gov/otpla/public-notices/>.

10 ADDENDUM AS PART OF THE RFP

10.1 Any addendum to this RFP shall become part of this RFP, as well as part of any Agreement resulting from this RFP.

11 ISSUING OFFICE

11.1 This RFP is issued by the New Jersey Department of Environmental Protection, Public Land Administration. The Manager of Public Land Administration is the sole point of contact between the Bidder and the Department for purposes of this RFP.

12 BIDDER RESPONSIBILITY

12.1 The Bidder assumes sole responsibility for the complete effort required by this RFP. No special consideration shall be given after Proposals are opened because of a Bidder's failure to be knowledgeable of and about 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.

13 COST LIABILITY

13.1 The State assumes no responsibility and bears no liability for costs incurred by Bidders in the preparation and submission of 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 Concession Premises.

14 CHANGES TO TERMS AND CONDITIONS

14.1 A Bidder may propose changes or modifications or take exception to any of the State's terms and conditions. If a Bidder does so, the Bidder must state specifically in writing in the Proposal the changes, modifications or exceptions proposed. Any proposed change, modification or exception in the State's terms and conditions by a Bidder will be a factor in the determination of an award. Bidders must be aware, however, that there are certain terms and conditions that are required by law (e.g., Pay to Play, Affirmative Action, Business Registration, Prevailing Wage), and are, therefore, a mandatory component of this RFP and the Concession Agreement.

15 REQUIRED SERVICES

15.1 The Bidder agrees to operate the Concession Premises in the manner set forth in this RFP, the Agreement, and the Bidder's Proposal submitted in response to this RFP, and perform the services set forth in the Concession Agreement.

16 JOINT VENTURES

16.1 Joint venture Proposals submitted in response to this RFP are prohibited and will result in a determination that the Proposal is materially non-responsive to this RFP.

17 PRECEDENCE OF AGREEMENT TERMS AND CONDITIONS

17.1 The Concession Agreement shall consist of this RFP, any addendum to this RFP, the successful Bidder's Proposal, any best and final offers, the Department's Notice of Acceptance, and the executed Concession Agreement.

17.2 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 the Bidder's terms and conditions conflict with the State's, the State's terms and conditions will prevail, unless the Bidder is notified in writing of the State's acceptance of the Bidder's terms and conditions.

18. LIST OF EXHIBITS

The following are attached to and made a part of this RFP:

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| Exhibit A: | Proposed Concession Agreement |
| Exhibit B: | Map of the Concession Premises |
| Exhibit C: | Concession Payment Schedule |
| Exhibit D: | Proposal Application |
| Exhibit E: | Proposal Evaluation Form |