

**RESPONSES TO QUESTIONS RECEIVED PRIOR TO THE QUESTION CUT-OFF
DATE OF FEBRUARY 5, 2024: SEASONAL BOAT-LIVERY LICENSE AT PENN
STATE FOREST AND WHARTON STATE FOREST**

1. **Question:** Page 2, Paragraph 1(F) – Will the department offer new bids for Wharton/Penn Livery annually?

Response: License opportunities are offered by the Department on an as-needed basis. If at least three licenses are awarded under this license opportunity, then the Department does not anticipate offering new bids next year. The Department cannot guarantee whether or when license opportunities will be offered in the future.

2. **Question:** Page 3, Paragraph 2(A) – How Long Is The Bid Approval Process? By what date can we expect bid results to be announced?

Response: The amount of time required for the bid evaluation and selection process is dependent on several factors including, but not limited to, the number of proposals received, whether the Department requires a bidder or multiple bidders to make an oral presentation(s) and/or clarification regarding the bidder's proposal in accordance with Paragraph 54 of the Bid Specifications, and whether the Department enters into negotiations with one or multiple bidders in accordance with Paragraph 55 of the Bid Specifications. The Department is unable to provide a date by which results will be announced. However, the bid evaluation and selection process typically takes a matter of weeks to complete.

3. **Question:** Page 22, Paragraph 53 – Can two different parties apply to operate in the same location? If so, how will the department choose which party wins the bidding opportunity?

Response: Yes, the Department will consider awarding licenses to multiple operators that propose to use the same location. As stated on the Bid Evaluation and Selection Process document that is part of the offering, the Department will select the winning bidder(s) using the following evaluation criteria:

- (i) The bidder's general approach and plans in meeting the requirements of this Bid Specifications;
- (ii) The bidder's detailed approach and plans to perform the services under the Agreement;
- (iii) The bidder's documented experience in developing and administering outdoor recreational events and facilities;

(iv) The qualifications and experience of the bidder's personnel, with emphasis on documented experience;

(v) The bidder's overall ability to mobilize, undertake, and successfully perform in accordance with the Agreement. This judgment will include but not be limited to the qualifications of the proposed personnel and the bidder's Operation Plan;

(vi) The bidder's ability to implement past Agreements with Department, including whether bidder has been terminated or failed to fully comply with any Agreement and/or owes Department compensation, of any type;

(vii) The bidder's financial viability and organizational history; and

(viii) The bidder's monetary proposal.

For additional information, please refer to Paragraph 54 of the Bid Specifications and the License Bid Evaluation & Selection Process document, which can be viewed at <https://dep.nj.gov/otpla/penn-state-forest-and-wharton-state-forest-seasonal-boat-livery-license/>.

4. **Question:** Page 22, Paragraph 54 – If two parties apply to operate in the same area, and the winning bidder decides to not pursue the opportunity post bid award, can the #2 bidder for that area step into the opportunity?

Response: If a winning bidder decides not to enter into an agreement with the Department after being awarded an agreement, the Department may consider awarding an agreement to another qualified bidder.

5. **Question:** Page 22, Paragraph 55 – If a business currently operating in this area is in process of being sold, and timing of sale is uncertain, can the two companies bid on the boat livery opportunity together? Then when the sale goes through (or doesn't go through), at some point the non-active owner could be removed from the permit?

Response: Two business entities may submit a joint proposal for one Seasonal Boat-Livery License. As part of the proposal, each business entity must submit a separate Prequalification Application. The Operation Plan for the joint proposal must specify the role of each business if a license is issued.

The Bid Proposal form has been revised to specify how two business entities submitting a joint proposal must complete the form. All additions to the document are shown in blue font. The revised form can be viewed at <https://dep.nj.gov/otpla/penn-state-forest-and-wharton-state-forest-seasonal-boat-livery-license/>.

As part of the bid evaluation and selection process, the Department will review the qualifications of each business involved in the joint proposal to ensure that both businesses are qualified to and capable of carrying out the activities authorized by the License Agreement. If two business entities enter into a License Agreement, each will be equally obligated under the License Agreement for the term of the License Agreement. If one business entity terminates its participation in the License Operation, the remaining business entity will be solely responsible under the License Agreement until it expires or is terminated.