



**LAKE BERRYESSA
NAPA COUNTY, CALIFORNIA
MONTICELLO SHORES CONCESSION AREA**

REQUEST FOR PROPOSALS

RFP Number: BERR082301

Issued by: Napa County Executive Office

Date of Issue: August 1, 2023

REQUEST FOR PROPOSALS
RFP No. BERR082301



MONTICELLO SHORES - NAPA COUNTY, CA
DEVELOPMENT OPPORTUNITY

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A. OVERVIEW

Napa County Executive Office is issuing this Request for Proposals (RFP) in order to identify a potential concessionaire for Monticello Shores, a developable resort site at Lake Berryessa in Napa County, California.

Lake Berryessa is a reservoir in northeastern Napa County, about 25 miles east of the famous Napa Valley, 65 miles west of Sacramento and 85 miles north of San Francisco. It is a large freshwater lake with 165 miles of shoreline and 20,700 surface acres. It is characterized by great natural beauty and is a destination for numerous types of outdoor recreational activities. Emphasis in the past has been on boating and camping, but a much wider variety of activities seem appropriate for the future.

Within 100 miles of Lake Berryessa reside some 10 million people, or more. The surrounding region is one of the most prosperous in the nation. Participation rates in all types of outdoor recreation activities are much higher than average. Despite these circumstances, the supply of high-quality resort developments in lake-oriented destinations greatly lags demand. Lake Berryessa could represent one of the most untapped opportunities for quality lake-oriented resort development in all of California.

Land around Lake Berryessa is owned by the U.S. Bureau of Reclamation (USBR). Seven large concession areas were created at the Lake when it was formed in the 1950's. These have since been managed by USBR and/or Napa County. Due the expiration of prior, long-term concession contracts five of the areas were closed by USBR in 2009. Two locations have not reopened to private business operations; Berryessa Point and Monticello Shores. In March of 2020 Napa County entered into a Managing Partner Agreement (MPA) with USBR to once again assume control, over time, of all seven areas. Since 2021 the County has been negotiating a concession agreement with a developer/operator for three of these areas, including Monticello Shores. Recently that party (an affiliate of Sun Communities) relinquished its exclusive right to negotiate a concession agreement. The purpose of this RFP is to identify and secure an appropriate developer/operator for the Monticello Shores concession area.

The successful respondent will have demonstrated the ability to design, finance, construct, manage and operate recreational and/or hospitality projects of similar scale, complexity, and character to those proposed.

B. PROPOSED SCHEDULE

August 1, 2023	RFP Released for Circulation
August 16, 2023	Site Visit
August 21, 2023	Questions due by 5:00 PM (Pacific)
August 24, 2023	Responses to Questions will be Published
September 8, 2023	RFP Submittals Due by 12:00 PM (Pacific)
September 22, 2023	Concessionaire Selection
October 10, 2023	County and USBR Approval of Concession Award

* Dates are subject to change at the sole discretion of Napa County. Changes to the due dates for Questions or RFP Submittal due date will be made by addendum.

C. THE OPPORTUNITY

1. History of Lake Berryessa

Lake Berryessa was created by the United States Bureau of Reclamation (USBR) USBR in 1957 with construction of the Monticello Dam. Purposes of the project were to control flooding, provide drinking and irrigation water, and generate hydroelectric power.

In 1958, it was determined that Lake Berryessa could be a prime destination for outdoor recreation activities of all types, especially boating and camping. In an arrangement with the National Park Service and USBR, Napa County entered into an agreement to manage development of these recreational opportunities. The land around the Lake, however, has always been owned by USBR.

In 1959, a Public Use Plan was created by the three public entities. It provided for seven concession areas in strategic locations on the west and south sides of the Lake. These seven areas were developed, and quickly became popular boating and camping destinations for families throughout northern California and beyond.

In 1975, USBR retook control of the seven concession areas from Napa County, and control has since remained with USBR. Under a Managing Partnership Agreement that was signed in March 2020 Napa County once again obtained control and management of the concession areas over an agreed timeframe beginning November 1, 2020 with three initial areas. These are known as Steele Canyon, Monticello Shores and Spanish Flat. Subsequently, a fourth site known as Berryessa Point was added to the Managing Partnership Agreement. An ERN (Exclusive Right to Negotiate) has been awarded to an affiliate of Suntex Marinas as developer/operator of the Berryessa Point site.

Recreational use of Lake Berryessa grew to more than 1.8 million visitors in 1996 and averaged well over one million annually. However, such popularity led to overuse and inappropriate use. The concession areas were developed and managed by the operators in a way that was determined to be private exclusive use of government property, including 1500 privately-owned mobile homes and trailers. The initial concession agreements expired in 2009, and the existing operators' authority to operate came to an end. However, two areas currently operate under long-term contracts with USBR. USBR has previously attempted to secure new long-term operators for the other areas but has not been successful. Three areas were reopened on an interim basis for limited camping and boat launching. Lake Berryessa currently averages 450-650 thousand visitors each year with only limited facilities and services, demonstrating strong public interest and desire to recreate at Lake Berryessa.

In 2016 Napa County and USBR began a new conversation towards establishing a Managing Partner Agreement for all seven concession areas including the two marina operations (Markley Cove and Pleasure Cove) that continue to operate under established concession agreements. Napa will supervise future development and operations, consistent with REQUEST FOR PROPOSALS

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USBR's Visitor Service Plan.

2. The Monticello Shores Concession Area at Lake Berryessa

Lake Berryessa is one of the largest and most attractive freshwater lakes in California. It has 165 miles of shoreline. By comparison, Lake Tahoe has only 72 miles of shoreline (although more surface area). Berryessa is 26 miles long and three miles wide. It contains 20,700 surface acres, making it the one of the largest freshwater lakes in the state.

As shown in the regional map, Lake Berryessa is in northeastern Napa County, about 30 miles north of the City of Napa and 25 miles east of the famous Napa Valley. It is 65 miles west of Sacramento and 85 miles north of San Francisco. In late August and September of 2019, the LNU Lightning Complex wildfire burned more than 360,000 acres in parts of five California counties including much of the land adjoining Lake Berryessa. The proposed concession site was affected to some degree. Accessibility is facilitated by a variety of State and U.S. Interstate Highways, as shown in the accompanying highway map.

All lands abutting the Lake are owned by USBR. Adjacent lands are fairly steep, and for the most part, undevelopable with any significant density. Most likely, they will remain in permanent open space, and accessible for a wide array of outdoor recreation opportunities. The area has a pleasant year-round Mediterranean climate. Rainfall is concentrated from November through March, and averages less than 25 inches annually. Temperatures are



mild, although the average high is over 90 degrees in June through September – the prime boating season. The average in November through March is approximately 60 degrees.

Water level varies from year-to-year, depending on rainfall. During extended droughts in the mid-1990's and 2010's, it was less than 400 feet above sea level, and very rarely as low as 360. At full capacity, the water level would be approximately 440 feet but owing to the

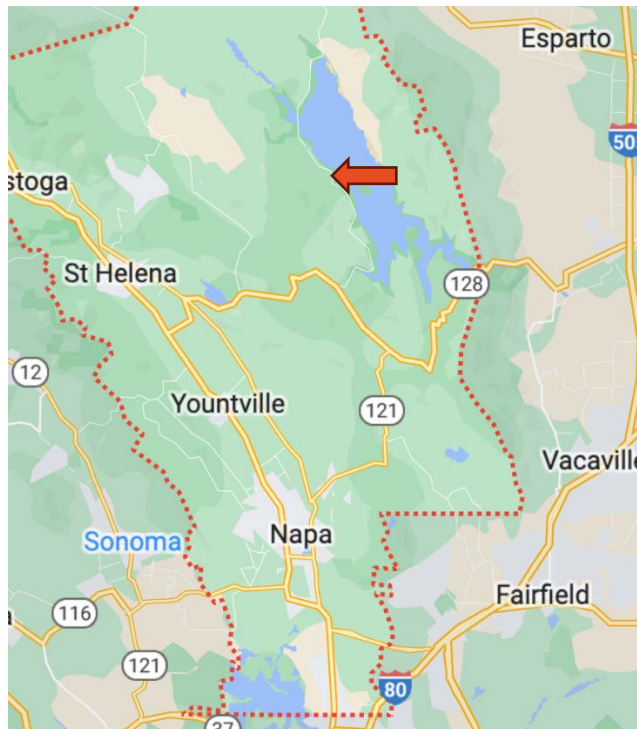
several-year drought in the west, relieved in part by this past season's precipitation, is approximately 425 feet above sea level. In spite of variations in water level, the water is clear and very pure.

When all concession areas were open, Lake Berryessa attracted as many as 1.8 million visitors annually. As with most water-oriented recreation destinations, usage peaks in the summer months. It is anticipated that visitor counts could be increased, and will be more balanced, once a wider array of services, activities and accommodations are available. Boating and camping are currently the most popular recreation activities at the Lake with the demand for boat slips substantially exceeding the supply. Boat launching and rentals are important sources of revenue to current operators. In addition to boating and camping opportunities, there are numerous other attractions and activities at the Lake and in the region. Some include:

Extensive hiking, mountain biking and walking trails, with many more possible, and large nearby public land holdings, accessible for hiking, camping and a variety of other outdoor recreational activities. Included are 330,780 acres in the Berryessa Snow Mountain National Monument, Cache Creek Wilderness, Cedar Roughs Wilderness, Knoxville Wildlife Area, Knoxville Recreation Area, Lake Berryessa Wildlife Area and Quail Ridge Natural Reserve.

Lake Berryessa offers some of the best lake fishing in the entire state, swimming in the many protected coves and inlets, quiet areas for non-motor activities, such as kayaking and canoeing, bird watching and wildlife viewing.

Napa Valley is close by, with its more than 500 wineries, geothermal springs, boutique shops, fine restaurants, eight golf courses and spectacular scenery.





Monticello Shores is a self-contained and prime waterfront property on the west side of the Lake. Its location is shown in the accompanying map of Lake Berryessa. Photographs of the area are found on following pages. As noted, the area is now void of development and has been impacted, to some degree, by the 2019 wildfire.

The concession site contains 2.8 miles of shoreline and nearly 150 total acres. Some 118 acres are located above the 455 foot elevation, permitting permanent structures. Permanent structures below that elevation may be possible if properly flood-proofed. A complete legal description of the Monticello Shores concession area can be found in the attachment titled "Area of Operation and Assigned Land".

The Managing Agreement between Napa County and the U.S. Bureau of Reclamation requires that visitor services be "provided in accordance with the 2006 VSP ROD".

of which has been made accessible through the Dropbox link on page 29 of this Request for Proposals. Neither the VSP ROD (Visitor Services Plan - Record of Decision) nor the Managing Agreement specifically limits the number of accommodation units that may be built or developed within the concession area.

Concession Area	Shoreline Frontage		Acres with elevations of:		Acres
	Total Linear Feet	Miles	440 to 455 feet	Over 455 feet	
Monticello Shores	14,600	2.8	31.20	118.06	149.26

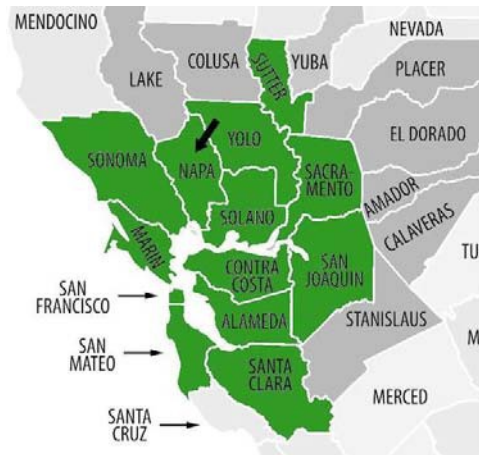
USBR has completed a detailed, but preliminary, development plan for the concession area. Environmental assessment has been completed for the plan to a “60 percent design level.” To the extent that a concessionaire’s development plan is substantially compatible with USBR’s preliminary development plan, the required environmental impact assessment may be accelerated. The previous USBR plan emphasized traditional short-term recreational opportunities as identified in the Visitor Services Plan/Record of Decision 2006. Napa County has indicated potential support for more varied and creative uses, services, facilities and accommodations.

Existing public utilities are nominal; please refer to attached draft EA document (a link for electronic attachment can be found in Section O) for specific details about the site in its current condition. Some limited site clean- up may still be required, as well.

Consistent with the recently approved Managing Partner Agreement, Napa County will attempt to balance economic impacts, concessionaire financial viability, public access and environmental stewardship in the review process.

3. The Market Area for Lake Berryessa

Lake Berryessa, this unique concession area and the surrounding environs offer many unique and outstanding attributes, as discussed in the previous section – accessibility, size, extensive shoreline and surface area, beautiful scenery in a very natural setting, some of the best fishing in the state, a body of water large enough to offer both nature-based and motor-based activities without interference, and a wide array of family-oriented outdoor recreation opportunities. Please refer to the Consumer Survey Results among the List of Attachments at Section O.



Population and Households

- Primary Market Area (PMA) of 13 counties, as shown above.
- 10.4 million people, comprising 3.6 million households – all within 100 miles
- One of the most vibrant and prosperous regions in the entire country
- 77 percent of households with incomes over \$50,000 and 53 percent over \$100,000—proportions far above national averages
- High participation rates in all types of outdoor recreation activities, most of which could be pursued at Lake Berryessa

Other Freshwater Lakes

- One of the largest lakes in California with 20,700 surface acres and 165 miles of shoreline
- By far the largest freshwater lake in the PMA - only two others contain more than 2,000 surface acres

- Very limited facilities and services not only at the two other freshwater lakes in the PMA, but also at other lakes in a much larger 20-county surrounding area
- Very few full-service marinas in the surrounding 20 counties. The majority are in the Sacramento Delta rather than in actual lake environments. Existing marina, pre-pandemic, reported operating at a solid 78 percent year-round occupancy.
- Only 14,700 boat slips in the 20 counties. However, there are over 175,000 pleasure boats registered in the PMA.

Campgrounds

- Only 46 campgrounds around lakes in the 20 surrounding counties, and only 10 in the PMA, including the Delta.
- Only 164 campsites around lakes in the PMA, with another 575 in the Delta
- Only 621 campsites around lakes with full RV hookups in the 20 surrounding counties (including the Delta). However, there are almost 30,000 RVs registered to residents of the PMA.
- Only 53 campgrounds in all types of locations in the PMA, generating less than 5,000 campsites
- Limited amenities, services and contemporary comforts at the vast majority of the 53 campgrounds. Few provide food service, convenience stores, rental accommodations or even boating facilities.
- Most campground facilities are managed by operators without extensive experience in the hospitality industry.
- These are mostly owned by public sector entities and suffer from lack of funding for proper upkeep and provision of activities. The others are typically operated by small, private entrepreneurs with comparable funding challenges. A survey conducted of campground operators in the area reveals the marginal conditions, financial needs and untapped opportunities.

Tourism in Napa County

- Close proximity to, and shared identity with, one of the most recognized tourist destinations in the country - Napa Valley
- A rapidly growing tourism industry
- Some of the highest year-round occupancy rates and room rates in the country
- Attractions and activities at Lake Berryessa complement those in Napa Valley (for example; boating, fishing, extensive nature and other types of trails). These complementary uses are attractive both to residents of Napa County and other

residents of the Primary Market Area.

- Downtown Napa is rapidly becoming a major tourist destination of its own, with a significant new supply of hotels, shops, restaurants and entertainment venues
- Many intriguing potential opportunities for recreational attractions and activities that do not exist elsewhere in Napa County or are significantly under-supplied in the PMA. Examples include conference facilities, wedding venues and outdoor musical performance venues.

The potential demand for outdoor recreation activities that now, or could, exist at Lake Berryessa is very large. Within 100 miles reside more than 10 million people with high participation rates in outdoor recreation. The area is among the most prosperous in the nation. At the same time, quality competition is limited, especially at large and scenic freshwater lakes such as Lake Berryessa.

4. Potential Attractions

Heretofore, Lake Berryessa has been positioned as an attractive destination for outdoor recreation activities, especially motorboating and camping. Even during peak years when all concession areas were open, seasonality of use was high, with the vast majority of visitors coming in June through September, and especially July and August. Variety and quality of services and facilities were limited. Few convenience stores, restaurants, evening entertainment venues and unique accommodations beyond RV and tent camping existed. Proper controls and regulations were not enforced. Despite such conditions, the area regularly attracted over one million visitors annually.

The challenges and opportunities are to redevelop Monticello Shores and the other concession areas into resorts that more appropriately reflect the lifestyle of today's participants in outdoor recreation – higher quality, more variety, greater convenience, more nature-based and more family-oriented. If more care is given to these important trends, Lake Berryessa and Monticello Shores, in particular, have the opportunity to: (1) become a significant year-round destination for many people in the PMA; (2) enhance the economy of Napa County; (3) be profitable to the selected concessionaire; and (4) maintain and enhance the natural environment.

Listed below are a variety of uses that could be considered in the redevelopment of Monticello Shores and the other concession areas. Some have existed, historically, while others are new. Perhaps not all will be feasible and any that are inconsistent with the Visitor Services Plan would require additional approvals by USBR and a revised Environmental Impact Statement, potentially. Care will be taken to balance consumer demand, economic viability and protection of Lake Berryessa's beautiful natural setting.

Motor- Based Uses

- motor boating
- jet ski
- water skiing
- full-service marina
- dry storage
- boat and equipment rentals
- off-road vehicles

Nature- Based Uses

- trails for hiking & biking
- nature walks
- swimming
- bird watching
- flora and fauna viewing
- fishing
- sailing
- kayaking, canoeing, paddle boarding
- picnicking
- horseback riding
- interpretive center
- eco-appreciation
- water trail
- day care facilities
- photography

Accommodation Uses

- RV camping
- tent camping
- glamping
- houseboats
- rustic cabins, cottages and park models
- higher-end cabins, cottages and park models
- hotel/motel
- nightly, extended stay and snowbird markets

Commercial Uses

wine tasting center
Napa Valley shuttle
9-hole golf course
conference, meetings, retreats
schools, lessons, lectures
spa and wellness facility
wedding venue
amphitheater
restaurant, tavern
shopping
night entertainment
sports academy
service station
clubhouse with pool & fitness center
zip line
special events, races., tournaments
wildlife safari park
lake cruise boat
water taxi

D. DEVELOPMENT ADVANTAGES

Napa County, like most prime resort destinations in California, is a challenging place to pursue new development. Land prices are extremely high; properly zoned sites are scarce; the re-zoning, General Plan amendment and Environmental Impact Report (CEQA) processes are lengthy and expensive; and the threat of litigation from opposition groups is high. These “barriers to entry” often result in years and years of effort before proper entitlements are obtained, if ever.

Several important advantages exist, however, at Lake Berryessa that should greatly facilitate development of this concession area, as listed below. Proper regulations will still be imposed by Napa County and USBR, but the approval process will be less time-consuming than normal.

- No re-zoning or General Plan amendment is required.
- Environmental compliance statements will be required, but a head start has already been made by USBR. This is especially true the more that proposed development aligns with USBR’s preliminary Visitor Services Plan (VSP) recommendations.
- Appropriate redevelopment of the concession areas is fully supported by public officials of Napa County, who have pledged to facilitate the entitlement process.

- It is recognized by Napa County and USBR that a wider collection of land uses and activities will be required in the future in order to maximize economic benefits to the County and enjoyment by today’s outdoor recreation enthusiasts. Creativity will be encouraged.
- The actual term of any concession contract will be based on the proponent’s business model and the requirement for significant infrastructure investment. The County’s Master Partnership Agreement (MPA) has a term of 55 years.
- Given the need for new infrastructure investment, Napa County may be willing to offer a variety of financial incentives for appropriate development and operation.
- Napa County has assumed the role of Managing Partner Agency for all concession areas. This includes being the primary reviewer of proposed development applications. The local government should be able to respond more quickly than higher levels of government.
- Dedicated County staff will provide support to facilitate the development process.

E. SITE VISIT

Napa County will be hosting a site visit so that potential proponents have an opportunity to tour the proposed Monticello Shores concession area. Senior staff members from both Napa County and the Bureau of Reclamation will be available to answer questions.

Attendance at the site visit is encouraged but is not a requirement of the RFP submittal process.

Pre-Registration for attendance at the site visit day is required. Please send an email to:

leigh.sears@countyofnapa.org at least 3 days prior to the date described for Site Visit provided in Section B (PROPOSED SCHEDULE) and include the following information:

1. Company Name
2. Number of Attendees
3. Primary Contact person with email and phone number
4. Mobile Number, if different, so that we may contact you the day of, if need be.

Once Napa County receives the registrations, potential respondents will be contacted with
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confirmation of registration, time and description of where to meet at the concession site.

F. INFORMATION RESOURCES

This RFP can be found at www.countyofnapa.org/procurement. Napa County does not guarantee the accuracy of information posted on, or obtained from, third party organizations.

Documents related to Lake Berryessa, development, and USBR regulations can be found at

https://www.dropbox.com/sh/x778uq2alz23vnf/AAAYv_lyC7JRTq52SXAjKzAa?dl=0

See Section L for a full list of documents. It is the responsibility of proponents to review all documents and consider any pertinent information. Special attention should be paid to the following:

- USBR Record of Decision – Future Recreation Use and Operations of Lake Berryessa
- USBR Reclamation Manual, Directive and Standards, LND04-02
- USBR Reclamation Manual, Policy, LND Po2
- USBR Draft EA (Environmental Assessment) document, published for public comment on September 8, 2017. The elements set forth in the EA document are for projects consistent with the existing VSP (Visitor Services Plan). Projects that are not consistent with the EA and VSP may be considered in response to this RFP but may not ultimately be allowable under USBR regulations.
- The 2020 Updated Market Study by Ragatz Realty, Inc. prepared for Napa County.

Potential respondents may submit questions about this RFP via email and be referred to: Ms. Leigh Sears – leigh.sears@countyofnapa.org

Questions will be answered in a public manner as an addendum to this RFP. Answers will be posted to the Napa County website at www.countyofnapa.org/procurement and will be provided to all known interested parties.

Questions will not be answered that would tend to constitute an evaluation of a response being prepared or that might give an unfair advantage to a potential respondent. Except for the above named, potential respondents should not contact Napa County officials or staff regarding any aspect of this RFP. If such contact is made, the County reserves the right to reject the submittal.

No prior, current, or post-award verbal conversations or agreements with any officer, agent, or employee of the County or any other person or entity shall affect or modify any terms or obligations of this RFP or any agreement resulting from this process.



G . SUBMISSION PROCESS AND REQUIREMENTS OF SUBMITTAL

Each submittal must include one (1) signed original and seven (7) paper copies. Submittal must be organized in the same manner as the format below. Each numbered section must be listed in submittal with pertinent information contained within each section.

Submittals must be received in the Napa County Executive Office no later than 12:00 pm Pacific Time on Friday, September 8, 2023. Submittals must be delivered via U.S. Mail, common courier, or hand- delivered to:

Napa County Executive Office
Attn: Leigh Sears
1195 Third Street Ste. 310
Napa, CA 94559

It is the responsibility of the submitting entity to ensure timely delivery.

Submittals must be concise, organized in response to the submittal requirements, and formatted as standard 8 ½" x 11" pages. Larger pages folded into 8 ½" x 11" and pocket inserts are acceptable.

Submittals must be sealed and clearly marked with the following: "MONTICELLO SHORES – NAPA COUNTY, CA REQUEST FOR PROPOSALS" AND RFP No.BERR082301.

In addition to the submission requirements, submittals should consider the specifics of the concession area - including attributes and existing issues - and relevant information contained in the various attachments.

All responses to the RFP shall provide the following, and it is recommended that the submittal be in the format outlined below:

1. Cover Page

Cover page shall state Title and RFP number ("MONTICELLO SHORES – NAPA COUNTY, CA REQUEST FOR PROPOSALS" and "RFP No. BERR080123 "), date of submission and the name and signature of the person who is authorized to make decisions and represent the submitting firm with respect to this RFP.

2. Description of the Proposed Concessionaire Entity

- a) Name and description of the proposed concessionaire entity, including the corporation or joint venture that will serve as the master developer/concessionaire, and would be party to a concession contract with Napa County. If the entity is a subsidiary of, or otherwise affiliated with, another organization, the respondent shall indicate such relationship. Include company mailing and physical addresses, Federal I.D. number,

Federal Unique Entity ID, if applicable, list of owners and/or list of corporate officers with titles, if applicable.

- b) Provide contact information of primary point of contact for communication relating to the RFP. Include name and title – including to which entity as described in section “a” that the primary contact person is assigned to, address, phone number, and email address.

3. Description of Development Qualifications

Description of development qualifications of responding entity and development team including key individuals.

4. Description of Concessions, Recreation and/or Resort Management Qualifications

- a) Description of recreation and/or resort management qualifications of respondent and management team including key individuals.
- b) Description of concessions management qualifications of responding entity and management team – if different than above – and concessions management team including key individuals, if any.

5. Summary of Relevant Development Experience

Description of relevant projects undertaken by the submitting entity and summarize how the characteristics of the projects are similar to the concepts provided in response to this RFP. The summary of experience should focus on the development of projects (if any) that are comparable in size, complexity, design approach, quality and scope.

6. Summary of Relevant Concessions, Recreation and/or Resort Experience

Description of management experience of the submitting entity and summary of how the characteristics of those projects are similar to the concepts described in response to this RFP. The summary of experience should focus on the management of projects (if any) that are comparable in size, complexity, quality and scope.

7. Description of Development Concept Submitted in Response to RFP

- a) Provide a general description or narrative of the project concept and the anticipated final product. Explain the concession concept that is being submitted (type, size, and general configuration) and anticipated facilities and services (such as boat launch, boat slips/storage, lodging, services, activities, rentals, retail, food, etc.) that are planned to be offered within each specific concession area. Include comments on the desirability and feasibility of the specific site and anticipated elements/related activities, and the relevance of other components (both within the site and within the surrounding area) to the success of the concept. Conceptual drawings, pictures, and graphics are encouraged and may be included as attachments.
- b) Provide a brief description of infrastructure improvements that may be required for your proposed project concept (i.e. sewer, water, roadway improvements and the like).
- c) Provide a discussion on the concept, development, and ability to successfully manage concessions and describe potential conflicts with any USBR requirements described in

documents listed in Section F of this RFP. Specifically identify, by document name, section, and subsection, any condition or requirement that would inhibit success of the proposed concept.

- d) Include a description of any sub-concessions that are proposed to be part of the overall development concept and identify, to the extent currently known, any proposed sub-concessionaires including ownership, management personnel, financial capability, relevant qualifications and experience.

8. Financial Capability

- a) Provide evidence of sufficient funds or ability to secure sufficient equity and debt financing to implement the proposed project.
- b) Provide demonstrated experience in financing recreation and/or hospitality projects of a scale comparable to that proposed.
- c) If any information provided is marked as "Proprietary" or "Confidential" pursuant to Section H, General Conditions, then the specific subsections of Section G, in addition to the cover page, must indicate there is separate information marked as such. Only the information marked as proprietary or confidential should be provided separately. Information marked as proprietary or confidential, and provided separately, should be labeled or marked in a manner that clearly ties the information back to the relevant and specific subsection of this section.

H. GENERAL CONDITIONS

By submitting a Proposal, the Respondent represents and warrants that:

- a) The information provided is genuine and not deceptive, collusive, or made in the interest or in behalf of any party not therein named, and that the Respondent has not directly or indirectly induced or solicited any other respondent to submit a deceptive proposal, or any other respondent to refrain from presenting information and that the prospective provider has not in any manner sought by collusion to secure an advantage; and
- b) The Respondent has not paid or agreed to pay any fee or commission, or any other thing of value contingent upon the award of an exclusive concessions area, to any employee, official, or existing contracting consultant of the Napa County.

All submittals become the property of Napa County. Napa County reserves the right to reject any and all submittals; to request clarification of information submitted; to request additional information from competitors; and to waive any irregularity in the submission and review process. None of the materials submitted will be returned to the Respondent unless they are not submitted in a timely manner.

Submittals will become public record and available for release to the public upon selection of successful Respondent and once appropriate Intent to Award Notifications have been distributed. Napa County is subject to California law regarding the disclosure of public

records. Respondents shall specify in their cover letter if they desire that any portion of their Proposal be treated as proprietary. Any such information shall be marked “Proprietary” or “Confidential” and provided separately with submittal. If Respondent chooses to claim any information as proprietary or confidential, it must specify those sections in the cover letter as well as relevant subsections of section G and provide any legal justification for treatment as such. However, respondents should be aware that all such requests may be subject to legal review and challenge. In such event, each Respondent shall be responsible for the legal defense against the release of their Proposal as public information. If any court considers such material is not exempt from public disclosure, the material may be made available to the public, regardless of the respondent’s notations or markings. If an entire submittal contains a wholesale, blanket, or general marking by the respondent as “Proprietary” or “Confidential”, it is very unlikely that the entire submittal would be exempt from public disclosure.

Napa County reserves the right to request additional information from any or all Respondents after submittal due date and/or to reject any and all submittals or any part of a submittal if it is determined it is not in the best interest of the County.

Napa County reserves the right to reject the submittal of any respondent who previously failed to perform properly, or complete on time, contracts of a similar nature, or to reject the submittal of a respondent who is not in a position to perform such a contract satisfactorily.

Napa County reserves the right to cancel this RFP process and to reject the submittal of any respondent who is in default of the payment of taxes, or other monies due to either Napa County or USBR.

California Prevailing Wage and/or elements of the Federal Davis Bacon act may be applicable to proposed development projects. An invitation to participate in the RFP process is not a guarantee that a proposed project is allowable within Federal, State or Local regulations.



I. SUMMARY OF KEY CONCESSION CONTRACT TERMS

This Section briefly describes key concession contract terms sought by Napa County. In its submittal, the respondent must indicate acceptance of these key terms. The final terms of any concession contract will be negotiated with Napa County staff and are subject to final approval by both the Napa County Board of Supervisors and USBR.

1. Permitted Uses

Permitted uses include any of those described in Section C of this RFP under Potential Attractions provided these are not in conflict with USBR's 2006 Visitor Services Plan ROD (Record of Decision).

The Bureau of Reclamation requires that "Rates charged by concessionaires for services, food, lodging and merchandise will be based on charges for comparable facilities, services and merchandise provided by the private sector in similar situations." Napa County, as the Managing Partner, must approve the rates requested by concessionaires.

2. Concession Fee(s)

Concession fees payable to Napa County will be based on a percentage of gross revenue and the percentage may vary depending on the revenue source. For example, one percentage rent level may apply to boat slip rentals, another to restaurant food & beverage sales, and yet another to overnight accommodations. Respondents are invited to propose a variety of concession fees, based on proposed business mix, but the aggregate pro forma concession fees must be estimated on an annual basis for the first 10 years of operation.

Napa County may agree to a rent-free construction period of up to 18 months from the date the concession contract is fully executed to complete design, permitting and construction subject to Napa County's review of respondent's proposed design, permitting and construction schedule.

3. Term

The term of the concession contract will be negotiated depending on the extent to which the concessionaire proposes to make capital investments in infrastructure and building improvements. The term will commence immediately upon full execution of the concession contract. In no event will the term run beyond October 31, 2075.

4. Capital Investment

Proposals must include the estimated amount and detailed description of proposed capital investments.

5. Utilities

Concessionaire shall be responsible for cost of installing and procuring all utilities including electricity, potable and irrigation water, telephone, cable and internet connections, sanitary

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sewer system, trash handling and collection facilities, natural gas and/or propane service.

6. Customer Service Plan

Respondents must submit a Customer Service Plan to address such issues as proposed days and hours of operation as well as the roles and responsibilities of any proposed sub-concessionaires. These together will be incorporated in the contract.

7. Sale/Transfer/Refinancing

Napa County expects to participate, to some extent to be negotiated, in the net proceeds the concessionaire receives from any sale, transfer or refinancing of concession facilities and/or operations.

8. Maintenance/Repairs

During the term of the concession contract, the concessionaire shall be responsible for all improvements, maintenance, repairs and operating expenses associated with the concession area and facilities.

9. Possessory Interest Taxes

The concessionaire will be required to pay possessory interest taxes (Payments in Lieu of Taxes) on the assessed value of the right to exclusively occupy the site. Respondents should contact the County Assessor's office for more information on how this tax will be calculated.

10. Insurance and Bond Requirements

Throughout the term of the concession contract, the concessionaire will be required to maintain insurance typical for the construction and operation of the proposed facilities and amenities, in amounts and with limits determined appropriate by Napa County and the County's Risk Manager, and with carriers acceptable to the County. Insurance will include but is not limited to: comprehensive general liability; workers' compensation; property insurance on the Premises; automobile liability; watercraft liability; personal property; business interruption; builder's risk; pollution legal liability; a policy endorsement in a form acceptable to Napa County; and any other insurance required by law. The County and USBR must be named as additional insureds.

The tenant's construction contractor will be required to furnish Napa County and USBR with a performance and payment bond issued by a responsible surety company licensed to do business in California and satisfactory to the County, or other such instrument. Such bond shall guarantee completion of any improvements proposed to be constructed at the site, in an amount not less than the value of such improvements. The County will also require a guaranty from the concessionaire guaranteeing the successful completion of improvements.

11. Hazardous Materials

During a reasonable "due diligence" period, the respondent may conduct environmental site assessments of the concession area. Concessionaire shall be responsible for the removal or remediation of hazardous materials, if any, that are required to be removed or remediated initially, or during the term of the contract.

12. Assignment/Sublease

The County will have the right to approve any assignment, sublease or transfer of the concession contract, subject to any participation provisions.

13. No Private/Exclusive Uses

Napa County will not allow for the development of privately-owned, exclusive uses including, but not limited to: cabin sites, mobile homes or travel trailer sites, private boat docks or recreation clubs. The maximum length of stay in any facility by members of the public (other than employees) is not to exceed 30 consecutive days, subject to some exceptions allowing longer stays not exceeding 6 months, when authorized, from October 1 to April 1. At no time may persons establish residency, nor the appearance of residency, on USBR lands.

14. Withdrawal of Concession Areas

Though unlikely, USBR may temporarily withdraw all or portions of the concession areas USBR determines the withdrawal is necessary for the purpose of meeting the original purpose of the reservoir or meeting a specific Congressional action such as a national emergency. USBR will meet with the County and its concessionaires to manage the withdrawal in ways that minimize impacts to concessionaires and public recreation.

USBR will cooperate with Napa County to avoid any alteration that would impact any developed portions of the concession areas and will address any just compensation that may be sought by a concessionaire but does not guarantee a right to compensation.

15. Residential Structures

All cabins, park models or cottages approved by the County and USDR for annual occupancy must be located above elevation 455' MSL plus 100 linear-foot buffer.

Short-Term Occupancy. Short-term occupancy refers to overnight use of campsites, RV and travel trailer sites, motel or lodge accommodations, cabins, cottages, park models, houseboats, or other overnight occupancy vessels for a period not to exceed 14 days during any period of 30 consecutive days. This type of occupancy is permitted.

Annual Occupancy. Annual occupancy refers to the use of cabins, cottages or park models for a term of one year with options to renew for two consecutive one-year terms. Such facilities shall not be used as a primary residence. Actual use shall be limited to a maximum of 90 consecutive days and no more than 6 months total per year.

16. Claims Against Napa County and/or USBR

No respondent will obtain by its response to this RFP, and separately by its response waives, any claim against Napa County or USBR by reason of any or all of the following: any aspect of this RFP, any part of the selection process, any informalities or defects in the selection process, the rejection of any or all submittals, the acceptance of any submittal, entering into exclusive negotiations, conditioning exclusive negotiations, terminating exclusive negotiations, approval or disapproval of plans or drawings, entering into any transaction

documents, the failure to enter into a concession contract, any statements, representations, acts, or omissions of the County, the exercise of any discretion set forth in or concerning any of the above, and any other matters arising out of all or any of the above.

17. Respondent's Duty to Investigate

Napa County will convey the concession area to the successful respondent in an "AS IS" condition. It is the sole responsibility of the selected respondent to investigate and determine the condition of the concession area and its suitability for any proposed improvements and use.

The information presented in this RFP, and in any report or other information provided by Napa County or USBR is provided solely for the convenience of the interested parties. It is the responsibility of interested parties to assure themselves that the information contained in this RFP or other documents is accurate and complete. Napa County and its advisors provide no representations, assurances, or warranties pertaining to the accuracy of the information. Respondents are to notify Napa County in writing of any ambiguity, discrepancy, omission, or other error in this RFP promptly after discovery, but in no event later than 15 business days before the deadline to submit submittals. An interested party that does not give timely notice to the County will be deemed to have waived any ambiguity, discrepancy, omission, or other error in this RFP. Modifications and clarifications will be made by addenda as provided herein.



J. CRITERIA FOR CONSIDERATION AND EVALUATION

Napa County will review each proposal for an initial determination of responsiveness with respect to completeness and compliance with format requirements. A proposal that fails to meet these expectations will not be eligible for consideration in the Evaluation Process described below. Napa County reserves the right to request clarification from a respondent prior to rejecting a proposal for failure to meet the submittal requirements. Clarifications will be limited exchanges between Napa County and the respondent for the purposes of clarifying certain aspects of the proposal and will not give the respondent the opportunity to revise or modify its proposal. Proposals that meet the submittal requirements shall continue to the Evaluation Process described below.

At any stage of the process, Napa County staff and/or its consultants may contact references and industry sources, investigate previous projects and current commitments, and perform other due diligence in order to confirm the qualifications of respondents.

The written submittals will be reviewed and evaluated by a panel, appointed by Napa County, consisting of up to six individuals and which may include Napa County staff members, USBR staff members, consultants with relevant expertise, community members or elected officials (as so constituted, the “Advisory Panel”). The Advisory Panel will be advised by Napa County staff and/or consultants who will independently analyze the business plans, financial submittals and other related financial qualifications of respondents.

The Advisory Panel will review, evaluate and score all of the written proposals that meet the submittal requirements. Proposals will be scored using the criteria shown below:

<p>A Proposed Concept</p> <ul style="list-style-type: none"> • Overall appeal of proposed concept to Napa County residents, visitors and businesses including indication of environmental stewardship. (10 points) • Respondent’s plan for marketing the resort concession and maximizing sales, revenue and customer satisfaction. (5 points) • Proposed operations plan, including seasonal operations. (5 points) 	<p>20 points</p>
<p>B Design Intention and Capital Investment</p> <ul style="list-style-type: none"> • Overall appeal, design concepts, graphics and signage, elevations and/or images. (10 points) • Total amount of initial capital investment. (10points) 	<p>20 points</p>
<p>C Experience and Financial Strength</p> <ul style="list-style-type: none"> • Documented experience developing and operating a destination resort of comparable scale and character to that proposed (10 points) • Demonstrated source of funds for initial capital investment - equity and debt. (10 points) 	<p>20 points</p>

<p>D Proposed Rent and Business Plan</p> <ul style="list-style-type: none"> Financial pro forma with projected sales, expenses and net income, with a demonstrated ability to fund continuing operations from cash flow generated by the operation. (10 points) Proposed concession fees and other revenue to Napa County. (15 points) 	<p>25 points</p>
<p>E Local Engagement</p> <ul style="list-style-type: none"> Respondent’s community engagement plan. (5 points) Commitment to local hiring if any. (5 points) Respondent’s prior efforts to secure concession including response to 2018 RFII. (5 points) 	<p>15 points</p>

Proposals earning the three highest scores may be invited to make an in-person presentation to the Advisory Panel as a part of the selection process. The Board of Supervisors may elect to enter into exclusive negotiations with only one proponent.



K. LOCAL VENDOR PREFERENCE

There will be no consideration of locality in the review process for this RFP.

L . MODIFICATION, AMENDMENT, ADDITION or ALTERATIONS of SUBMISSION

Any modification, amendment, addition or alteration to any submission must be presented, in writing, executed by an authorized person or persons, and submitted prior to the final date for submissions. The signature must indicate the title or position that the individual holds in the respondent. An unsigned modification amendment, addition, or alteration will be rejected.

M. RFP ADDENDA

Any changes to the RFP requirements and answers to questions submitted pursuant to the provisions of this RFP will be made by addendum. All addenda shall include an acknowledgment of receipt that must be returned. The acknowledgement form must be signed and attached to the final response. Failure to attach any acknowledgement form may result in the rejection of the final response. Addenda will be provided to all known interested firms and posted on the County website.

N. PROTESTS OR OBJECTIONS

1. Filing of Protest

Any directly affected party who is aggrieved in connection with the solicitation or award of a purchase order or contract issued through a formal sealed bid procedure may protest the procurement action taken. Such protests must be filed in writing with:

County of Napa Purchasing Agent 1195 Third Street, Room 310 Napa, CA 94559

Protests must be filed in writing within five (5) working days from the time of the occurrence generating the protest. Protests received after this time will not be considered. Any protest shall include the following information:

- (a) The date and action taken resulting in a protest, and
- (b) Identification of the material issue, including a detailed explanation of the basis for the protest, and the remedy sought. Specification related protests must be fully supported by technical data test results, or other pertinent information, that the substitute offered is equal to or better than the specification requirement.

2. Resolution Process

(a) Informal Resolution. Upon receipt of protest, the Purchasing Agent will convene, at the earliest possible convenience, discussions between the protesting party and appropriate County staff to seek informal resolution and/or to clarify the issues.

(b) Response to Protest/Appeal. If the protest is not resolved by mutual agreement, the Purchasing Agent shall provide a written response to the protesting party within fifteen (15) working days following the informal meeting. County Counsel shall be consulted before the written response is issued.

(c) The response shall state the Purchasing Agent's decision, the facts supporting the decision, and shall inform the protesting party of its right to appeal the decision to the Board of Supervisors.

3. Appeal to the Board of Supervisors

(a) In the event the informal resolution procedure is unsuccessful, the protesting party may request an appeal hearing before the Board of Supervisors by filing a written request with the Clerk of the Board no later than five (5) working days after notification of the Purchasing Agent's decision. Any appeal hearing shall be scheduled within thirty (30) working days from the date request is received by the Clerk of the Board. The Clerk of the Board shall notify the appellant by personal service of the scheduled hearing date not less than ten (10) working days from the date of hearing.

(b) The appellant shall have the right to testify at the hearing, to be represented by counsel, to present witnesses on his behalf, and to present oral and written documents and evidence on the issue.

(c) After the conclusion of the hearing, the Board of Supervisors shall make findings of fact and a decision concerning the issue(s).

Stay of Procurement Action During a Protest

In the event of a timely protest under this section, the County shall not proceed further with the solicitation or the award of the contract or purchase order until the protest is resolved, unless the Purchasing Agent, in consultation with the head of the using department and County Counsel, makes a written determination that the award of the purchase order or contract without further delay is necessary to protect a substantial interest of the County.

O. LIST OF ATTACHMENTS

Due to the large file size of attached documents to this RFP, the contents of the attachments can be retrieved and downloaded via Dropbox.com. Please follow the link below:

https://www.dropbox.com/sh/x778uq2alz23vnf/AAAYv_lyC7JRTq52SXaJkOzAa?dl=0

- a) Ragatz Realty Report on Lake Berryessa (2017) as updated in August 2020.
- b) Ragatz 2017 Consumer Survey Results
- c) Bureau of Reclamation-Record of Decision Future Use and Operations of Lake Berryessa (2006)
- d) Previous Reclamation Prospectus Documents
- e) Bureau of Reclamation-Financial Feasibility Analysis (2015)
- f) Bureau of Reclamation- Future Recreation Use and Operations at Lake Berryessa (2005)
- g) Kleinfelder-Environmental Compliance and Facility Condition Assessment (2002)
- h) Bureau of Reclamation-Assessment of Market Conditions for Lake Berryessa (2014)
- i) Lake Berryessa-Water Carrying Analysis (1988)
- j) Visit Napa Valley-2016 Visitor Profile
- k) Visit Napa Valley-2016 Visitor Economic Impact
- l) Lake Berryessa Boater Recreation Study (1998)
- m) Lake Berryessa Markey Survey (1997)
- n) Lake Berryessa Traffic Counts (2000)
- o) Lake Berryessa Shoreline Trail Management (2012)
- p) Lake Berryessa Intern Outreach Survey (2015)
- q) Lake Berryessa Chamber Brochure (2007)
- r) Bureau of Reclamation Manual Standards and Directives LND 04-02
- s) Bureau of Reclamation Manual Standards and Directives P 02
- t) Area of Operation and Assigned Land
- u) Managing Agreement No. 20-LC-20 2623 (between Napa County and USBR)
- v) Proposal by Sun Communities (to develop & operate three concession areas at Lake Berryessa)

The following link shall serve as an electronic attachment:

https://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=29586