

## STATE OF ALABAMA

### RED MOUNTAIN GREENWAY AND RECREATIONAL AREA COMMISSION

#### REQUEST FOR PROPOSALS

For

#### OUTDOOR RECREATION CONCESSIONAIRE

**1. Purpose and Scope of Services.** Red Mountain Greenway and Recreational Area Commission is soliciting proposals for a Concessionaire to provide a profit-seeking outdoor recreating experience at 2500 Venice Road. The ideal candidate will submit a proposal with:

- A. A clear and articulable vision for success and a viable path to achieve it.
- B. A value system that structurally incorporates, aligns with, and/or expands upon the Mission and Vision of Red Mountain Park.
- C. A clear economic value proposition for the Greater Birmingham Area
- D. A source of reliable and significant revenue for Red Mountain Park
- E. A management team with proven track record of success in a relevant venture
- F. A list of established professional relationships and contacts to support success and a detailed explanation of the roles they fill
- G. Sufficient capital to reach go live and operate with short term losses
- H. A realistic timeline to “go live” prior to the World Games 2022

**2. Qualifications and Experience.** Proposer must provide documentation illustrating significant experience and success starting and operating other “experiential” businesses and/or that of significant partners with relevant experience. The Proposer must provide a brief description of the years of experience for team members and partners. Those presenting proposals must disclose and include any and all fees, costs, and expenses to be charged for the services provided to Red Mountain Greenway and Recreational Area Commission.

**3. Instructions for Submitting Proposals.** Proposals will be reviewed by the Red Mountain Greenway and Recreational Area Commission. Applicants will be evaluated on their ability to satisfy the above stated purpose, scope of services, qualifications, and cost. Red Mountain Greenway and Recreational Area Commission reserves the right to reject any and all proposals, to waive any informality in any proposal, and further negotiate with any potential vendor. **The best interests of Red Mountain Greenway and Recreational Area Commission shall be considered as the number one**

**determining factor in selecting or not selecting a Proposer.** No selection is final until full execution of a Concession Agreement.

**Proposals must be submitted via email with the due date and RFP title clearly marked on the outside. It is the responsibility of Proposers to ensure timely delivery to the specific location cited below.**

**Proposals along with the disclosure statement and Beason-Hammon must be received in the office shown below by 5 p.m. CST on November 30, 2021.**

Written questions or comments regarding this RFP must be submitted via electronic mail message to T.C. McLemore at [tmclmore@redmountainpark.org](mailto:tmclmore@redmountainpark.org). Proposer(s) understands and agrees that he/she has an affirmative duty to inquire and seek clarification regarding anything in this RFP that appears to be unclear. Red Mountain Greenway and Recreational Area Commission intends to make responses to the submitted questions available to all Proposers on its website at [www.redmountainpark.org](http://www.redmountainpark.org).

**4. Revisions to RFP.** Red Mountain Greenway and Recreational Area Commission reserves the right to alter any deadlines or revise any part of this RFP by issuing an addendum to the RFP at any time. Addenda, if any, will be posted at [www.outdooralabama.gov](http://www.outdooralabama.gov). It is the responsibility of the Proposer to check the website for addenda to the RFP, if any.

**5. Awarding of Contract.** If the Red Mountain Greenway and Recreational Area Commission deems, at its sole discretion, that a satisfactory agreement cannot be reached in accordance with an initial selection; the Red Mountain Greenway and Recreational Area Commission reserve the right to proceed with efforts to make another selection based upon proposals submitted pursuant to this RFP. Any contract related to this proposed project is subject to the availability of funds and/or the needs of the Red Mountain Greenway and Recreational Area Commission and therefore the Red Mountain Greenway and Recreational Area Commission, at its discretion, may or may not issue a final contract as a result of this RFP. Selected Proposer must be registered with the Secretary of State to conduct business in the State of Alabama by the time the Concession Agreement is finalized. For more information, visit the Secretary of State website at [www.sos.alabama.gov](http://www.sos.alabama.gov) and click Corporations. Selected Proposer must also enroll in E-Verify and provide the E-Verify Memorandum of Understanding upon completion of enrollment to be awarded a contract.

**6. Disclosure Statement.** Act 2001-955 requires a disclosure statement to be completed and filed with all proposals, bids, contracts, or grant proposals to the State of Alabama in excess of \$5,000. A Disclosure Statement is available for completion on the

Attorney General's web site at [www.ago.alabama.gov](http://www.ago.alabama.gov) under *Publications and Forms*. Proposer must include a completed copy of the Disclosure Statement in their proposals.

**7. Disclaimer.** Issuance of this RFP does not constitute a commitment by Red Mountain Greenway and Recreational Area Commission to select any proposal submitted in response to the RFP, or to award a contract to any Proposer who responds to this RFP. Red Mountain Greenway and Recreational Area Commission reserves the right, and has absolute and sole discretion, to cancel a solicitation at any time prior to approval of the award by Red Mountain Greenway and Recreational Area Commission. This process is only for the benefit of Red Mountain Greenway and Recreational Area Commission and is to provide Red Mountain Greenway and Recreational Area Commission with competitive information to assist it in the process of selecting a Concessionaire. All decisions on compliance, evaluation, terms, and conditions related to the RFP will be made solely at the discretion of Red Mountain Greenway and Recreational Area Commission.

**9. Open Trade.** By submitting an application, the Proposer represents that he/she and the business entity he/she represents is not currently engaged in the boycott of a person or an entity based in or doing business with a jurisdiction with whom the State of Alabama can enjoy open trade, as defined in Act 2016- 312.

**10. Public Information.** All responses received will be subject to the Alabama Open Records Act, Ala. Code § 36-12-40, (1975), as amended, and may be subject to public disclosure upon request. The Open Records Act is remedial and should therefore be liberally construed in favor of the public. The Alabama Trade Secrets Act is Ala.Code§§8-27-1 to 8-27-6, (1975),as amended. Proposers are cautioned to be familiar with these statutes. The burden is on the one asserting the trade secret to show that the information sought to be protected meets the definition of a Trade Secret as defined in the Act.

Any RFP response submitted that contains confidential, trade secrets, or proprietary commercial information must be conspicuously marked on the outside as containing confidential information, and each page upon which confidential information appears must be conspicuously marked as such. Identification of the entire bid proposal as confidential is not acceptable unless the Proposer enumerates the specific grounds or applicable laws which support treatment of the entire material as protected from disclosure according to the foregoing statutes or other applicable Alabama law.

The owner of the confidential information shall indemnify and hold the State of Alabama and the Department of Conservation and Natural Resources, and any and all of its officers, agents, and employees harmless from all costs or expenses including, but not

limited to, attorney fees and expenses related to litigation concerning disclosure of said information and documents.

**11. Changes and/or Withdrawal of Proposal.** Any proposal may be withdrawn until the date and time set above for the submission of the proposals. To accomplish this, a written request signed by the authorized representative of the Proposer must be emailed to the addresses referenced herein. No additions or changes to an original proposal will be allowed unless specifically requested by Proposer. Any proposals not so withdrawn shall constitute an irrevocable offer, to provide to Red Mountain Greenway and Recreational Area Commission the services set forth in this RFP, until one or more of the proposals have been awarded.

**12. Errors and Omissions in Proposal.** Red Mountain Greenway and Recreational Area Commission reserves the right to make corrections or amendments due to errors identified in proposals to Red Mountain Greenway and Recreational Area Commission or by the Proposer. Red Mountain Greenway and Recreational Area Commission reserves the right to request clarification of information submitted and to request additional information of one or more Proposers.

**13. Costs of Preparation.** Costs of preparation of a response to this request for proposals are solely those of the Proposer. Red Mountain Greenway and Recreational Area Commission assumes no responsibility for any such costs incurred by the Proposer. The Proposer also agrees that Red Mountain Greenway and Recreational Area Commission bears no responsibility for any costs associated with any administrative or judicial proceedings resulting from the solicitation process.

**14. Maintaining Adequate Records.** The Proposer awarded this contract shall maintain adequate records to justify all charges, expenses, and costs incurred in estimating and performing the work for at least three (3) years after completion of the contract resulting from this RFP. Red Mountain Greenway and Recreational Area Commission shall have access to all records, documents, and information collected and/or maintained by others in the course of the administration of the agreement. This information shall be made accessible at the awardee's place of business to Red Mountain Greenway and Recreational Area Commission, including the Comptroller's Office and/or its designees, for purposes of inspection, reproduction, and audit without restriction.