



CITY OF FILLMORE
CENTRAL PARK PLAZA
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To: Parties Requesting a Copy of the RFP
From: Bill Bartels ✓ *Bill Bartels*
Date: January 27, 2010

City of Fillmore Equestrian Center
Clarifications to Request for Proposals

A meeting of interested parties for the Equestrian Center Request for Proposals was held at 1 PM Thursday January 21, 2010 in the engineering conference room at City Hall. The following questions were posed. Note to all requesters: the current concessionaire has filed a lawsuit against the City. Resolution of that action may affect the outcome of this process.

1. QUESTION: Can a proposer be from out of the City of Fillmore?

ANSWER: Yes.

2. QUESTION: What is the number of renter owned corrals at the Center?

ANSWER: There are approximately 90 corrals total and of that number 70 percent or approximately 60 corrals are boarder owned.

3. QUESTION: What is the status of the subleased feed operation?

ANSWER: The operation is run through a sublease from the current concessionaire.

4. QUESTION: Will the barn building remain if a new concessionaire is selected?

ANSWER: It is anticipated the barn will remain; however, proposers should not assume that this will be the case. A proposal should reflect the costs of putting up the facilities needed to run the programs that are being proposed.

5. QUESTION: What is the condition of the well on the site?

ANSWER: Currently the well pumps 60 gallons a minute producing 28 pounds per square inch in the water delivery system for the facility. The well has had service and a pump upgrade as part of the building of the levee after the 2005 floods.

6. QUESTION: If a proposer includes additional services will that be included in the rental rate?

ANSWER: This depends on how the rent is paid. If the rent is paid as a flat fee then the answer is no. However, if the rent is based on gross receipts then those additional services would be included in the determination of the rent. (See page 2 of 27 of the proposed concessionaire agreement)

7. QUESTION: Is this an open process where each proposal will be judged on its merits?

ANSWER: Yes. No proposer has been pre-selected.

8. QUESTION: What is the maintenance fee in the agreement meant to be used for?

ANSWER: See page 4 of 27 item "d" of the proposed concessionaire agreement which reads:

d. Concessionaire's Maintenance Fund. In addition to the Concession Fee paid during the Term pursuant to Section 3.a. and the ongoing maintenance required by this Agreement, Concessionaire agrees to expend for major maintenance, replacement, or addition of City-owned facilities, the sum equal to the flat rate of \$ _____ or the sum equal to _____% of Concessionaire's Gross Receipts, but in no event shall the payment be less than \$200.00 per month.

Upon the execution of this Agreement, Concessionaire shall pay to City the amount of \$5,000 as an initial deposit into the Maintenance Fund (as defined below). In the event that, at any time during the Term, the Maintenance Fund balance is below \$5,000, Concessionaire shall immediately pay City sufficient cash to restore the Maintenance Fund to a minimum balance of \$5,000.

City will account for these funds in a separate account designated as "Fillmore Equestrian Center Maintenance Fund" (the "Maintenance Fund") and maintain adequate records thereof. The Maintenance Fund is solely for use for maintenance, replacement and improvements to the real property improvements and Fixtures (as defined in Section 18, below) located on the Premises. Concessionaire acknowledges that it possesses no right, title or interest in the funds held as part of the Maintenance Fund, other than to administrate the use of such funds pursuant to this Section. Expenditures from the Maintenance Fund shall require City's prior written approval and the projects approved in the Maintenance Fund Plan (as defined below) shall be completed during the Term.

Concessionaire will prepare a plan of maintenance, replacement and addition to the Facilities (the "Maintenance Fund Plan") by January 1 each year and meet with the City Manager or his/her designee to obtain the necessary City approvals and prioritization. The minimum dollar amount for a project to be approved for this fund is \$1,000. No maintenance fund activities shall begin without City's prior written approval. Work requiring design approval,

plans and/or specifications, as appropriate, must be submitted to City and approved by the City Manager or designee. Concessionaire shall be responsible to meet all reasonable requests for revision or amendment.

Upon completion of an approved maintenance project, the Concessionaire will submit to the City Manager or designee a summary of project costs, original invoices, and copies of front and back of canceled checks to vendors. If the Concessionaire uses its own labor for these projects, time cards must be submitted. The City Manager will approve the expenditures and forward them to the Finance Director for reimbursement to the Concessionaire out of the Maintenance Fund.

Any unexpended funds existing in the Maintenance Fund at the end of the Term shall become the property of City and shall be used to improve the Premises. Unexpended maintenance funds may not be used as payment for Concession Fees due to the City.

9. QUESTION: What is the access to the river?

ANSWER: There is no access to the river as part of the premises. The river bottom is privately owned.

10. QUESTION: Should the checklist items found on page 21 of 21, titled List of enclosures be checked even if there are no changes?

ANSWER: Yes. If no changes are proposed, please indicate "N/A."

The City Council reserves the right to reject any and all proposals, to modify the terms of the Request for Proposal either before or after the deadline for submission of proposals, negotiate with one or more of the proposers, to call for additional proposals, or refrain from accepting any proposal.