



State of Delaware
Department of Natural Resources and Environmental Control
Delaware Division of Parks and Recreation
89 Kings Highway
Dover, Delaware 19901

November 27, 2019

TO: ALL OFFERORS

FROM: PATRICIA TANNER
PARALEGAL III, DIVISION OF PARKS AND RECREATION

SUBJECT: **CONTRACT NO.: NAT19009_NON MOTORIZED FENWICK**

ADDENDUM # 1 Q&A

1. Pg. 55 B. Products and Services, 1. "Vendor(s) may offer for rent or sale Non-Motorized Watercraft Rental Services equipment which may include, but is not limited to, kayaks, stand-up paddle boards, paddle boats, canoes, sailboats, and any other environmentally sensitive non-motorized manually propelled watercraft." **Does this mean that the Licensee would now be allowed to offer sales of new kayaks and paddleboards?**

Answer: Yes, the Division will allow sales of new and used equipment as long as it is represented as such and is in serviceable condition.

2. Pg. 56 C. Contract Fee, b. Current Revenue Summary 2018 - \$197,937.85 (weather impacts). **This implies that the decrease in the 2018 revenue was due to weather. Could you be more specific? For example, how many days of decreased revenue was due to a weather event compared to previous years? Was there a particular weather event?**

Answer: The Division is only representing that there was lower revenue for that seasonal year and it was very likely due to weather. In 2018, the peak season experienced heavy rains, which impacted several concessionaires in the beach area.

3. Pg. 56 C. Contract Fee, 2. "...it is the expectation of the DNREC that all visitors to Delaware State Parks pay daily entrance fees or procure an annual park pass." **Over the past 21 years a parking fee was not required of the current Licensee's customers - similar to Hammerheads Dockside Restaurant and the Hook 'em & Cook 'em Fish Market at the Indian River Marina. Does this mean that all Licensee customers at the Fenwick Island State Park Bayside location will now be required to pay a daily fee if they do not possess an annual pass?**

Answer: At this time, the Division does not require an entrance fee at the concession bayside location due to its dedication for concession use. That lot is dedicated to concession customers.

Other areas within Fenwick Island State Park do require entrance fees/parking passes/permits. As this contract is for Fenwick Island State Park, the concessionaire may offer small tours from the Assawoman Recreation Area (with approval from the Park Superintendent to ensure no public use or event conflicts). However, this is a public use area and would require daily entrance or an annual pass/permit.

4. Pg. 56 C. Contract Fee, 2. "...it is the expectation of the DNREC that all visitors to Delaware State Parks pay daily entrance fees or procure an annual park pass." **If a parking fee is required, does this mean they can pay the fee and then occupy the parking spot for the entire day to go across the street to the beach, not allowing the turnover of the parking space?**

Answer: At this time, the Division does not require an entrance fee at the concession bayside location due to its dedication for concession use. That lot is dedicated to concession customers. Other areas within Fenwick Island State Park do require entrance fees/parking passes/permits. As this contract is for Fenwick Island State Park, the concessionaire may offer small tours from the Assawoman Recreation Area (with approval from the Park Superintendent to ensure no public use or event conflicts). However, this is a public use area and would require daily entrance or an annual pass/permit.

5. Pg. 58 N. Franchise Limitations, 1. "Awarded Vendor shall have exclusivity for commercial Non-Motorized Watercraft Rental Services at Fenwick Island State Park with exception to Division programming and events and the general public's use." **Will the parking area in the Fenwick Island State Park Bayside be exclusively for the Licensee's customers as it has been for the last 21 years? Or will annual pass customers be allowed to park in the lot even if they are non-Licensee customers? On summer weekends and many busy weekdays, once the oceanside parking lot fills up, there is a long line waiting to get into that parking area. Many of these people have annual passes. In the past, the current Licensee needed to employ parking attendants to ensure that people only parked in the bayside parking lot while actively participating in Licensee activities. Otherwise the bayside parking lot would fill to capacity for the entire day with non-paying customers.**

Answer: At this time, the Division does not require an entrance fee at the concession bayside location due to its dedication for concession use. The concessionaire has exclusivity for contracted services for all of Fenwick Island State Park. This means that no other vendor will operate unless specifically related to Division programming and events. Additionally, the public shall have use of the Park, with exception to the dedicated concession area parking lot. That lot is dedicated to concession customers.

6. Pg. 58 N. Franchise Limitations, 1. "Awarded Vendor shall have exclusivity for commercial Non-Motorized Watercraft Rental Services at Fenwick Island State Park with exception to Division programming and events and the general public's use." **Will the beach/launch area at the Fenwick Island State Park Bayside now be available for the general public to launch their own equipment, set up umbrellas, chairs, etc?**

Answer: No, that lot and site is dedicated to concession activities.

7. Pg. 63 S. Division Responsibilities, 1. "DNREC reserves the right to enlarge, close and/or reduce the size of any designated Park location(s) for the purposes of improvement, repair, construction

or any other legitimate purpose. It is understood that any of the above actions shall not entitle Vendor to any reduction or suspension of the Contract or fees unless otherwise approved by DNREC.” **As per DNREC’s stated plan in regards to the Skipjack offshore wind farm project, the Division will be performing major construction to the bayside area. Does the above statement mean that if the Division closes all or part of the area, restricting the ability of the Licensee to generate revenue, the Licensee would still be legally responsible for the entire contract fee barring any additional agreement?**

Answer: The Skipjack project proposal does not include closure of any Park amenities during the operating season. Historically, for concessionaires impacted by projects within the park, the concessionaire is notified and if applicable, contracts may be amended as applicable.

This may not apply to other projects such as temporary closures for repairs or storms, etc.

8. Pg. 64 Division Provided Services. **Will the Division be responsible for replenishing the Fenwick Island State Park bayside beach each season and after storms? Each year the beach dramatically erodes over the winter and the current Licensee has lost significant beach over the two decades of contract services. In the past, the Division has provided this service when necessary. If it will be provided, will that clause be added to the contract?**

Answer: The Division works closely with DNREC’s Division of Watershed Stewardship (“DWS”) on coastal shoreline and waterway management. The Division cannot “replace” shoreline, however it will continue to work to protect and maintain, as well as adhere to any recommendations from DWS for each individual site.

9. What was Coastal Kayak operating out of? Are they going to give up that location?

Answer: Coastal Kayak currently operates out of the concession area as noted on the Site Map provided in the RFP. They have a small shed/building that they have provided. The shed/building is their property. The location is part of this RFP process. Additionally, the awarded Vendor may operate within Fenwick Island State Park.

10. In regards to the Non-Motorized Watercraft Rental Services proposal, is there already an existing structure at Fenwick Island State Park to house equipment and for staff to operate the service?

Answer: The Division does not provide an existing structure. The awarded Vendor is responsible for providing any temporary structure.