

**NOTICE OF AVAILABILITY
FOR LICENSING REAL PROPERTY OF THE UNITED STATES
DWORSHAK DAM AND RESERVOIR
CLEARWATER COUNTY, IDAHO
WALLA WALLA DISTRICT
U.S. ARMY CORPS OF ENGINEERS**

Notice No. DACW68-9-18-11

DATE: February 27, 2018

Location: Clearwater County, Idaho, on portions of Federal property managed by the U.S. Army Corps of Engineers within the Dent Acres Campground Area on Dworshak Dam and Reservoir. Consists of approximately .01 of an acre located on Tract 415.

Purpose: This Notice of Availability for Licensing is for the purpose of soliciting proposals for a mobile commercial concession, which will provide services to the general public. Map showing the location of the property is attached as **Exhibit "A"**.

A License will be awarded to the highest bidder complying with the conditions of this Notice of Availability for Licensing, provided that the applicant presents the best proposal to meet public demand and a recreational need based on a point system from the evaluation criteria specified in **Exhibit "C"**. The minimum service requirements must be met as described in **section 4 (I) Minimum Service Requirements**.

Sealed Written Applications (Exhibit "B") should be submitted in **duplicate**, subject to the terms and conditions set forth herein, for the licensing of real property of the United States listed in this notice. Applications will be received until the time, date, and at the place indicated below, and then publicly opened. Address labelling requirements for application submission are noted in section 5(g) below, entitled 'Marking and Sealing Applications'. Applications are to be submitted by mail or hand-delivered. The time, date and address of opening is listed below:

ATTN: REAL ESTATE DIVISION (207828)

TIME OF OPENING: **2:00 PM PACIFIC TIME**
DATE OF OPENING: **APRIL 2, 2018**
PLACE OF OPENING: **WALLA WALLA DISTRICT HEADQUARTERS**
201 N. 3RD AVE.
WALLA WALLA, WA 99362

INSPECTION INVITED **"BY APPOINTMENT ONLY"**

ARRANGE WITH: **Natural Resource Manager Paul Pence** PHONE: **208-476-1258**

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Sealed written applications shall be submitted, in duplicate, subject to the conditions contained herein, to U.S. Army Corps of Engineers, Walla Walla District, Real Estate Division (207828), 201 North 3rd Avenue, Walla Walla, Washington, 99362, and will be received until **2:00 p.m.** local time, **April 2, 2018**, and then publicly opened, for the licensing of real property of the United States as follows:

This Notice of Availability for License is for the purpose of soliciting proposals for a mobile commercial concession at a U.S. Army Corps of Engineers campground on Dworshak Dam and Reservoir, near Orofino, Idaho. In the furtherance of the objective of the Government to obtain quality services, at reasonable prices, to meet public demand and at the same time allowing entrepreneurs to make a fair profit.

The basic minimum point of sale requirements that must be provided in the proposal are described in **section 4 (I) Minimum Service Requirements**. These are the minimum requirements, but your proposal may include additional point of sale items (pre-packaged food; beverages; camping, fishing and boating supplies) and rental items may be considered (horseshoes; games; and paddle sports).

1. PROPERTY TO BE LICENSED:

The area to be licensed within the Dent Acres Campground Area consists of approximately .01 of an acre located on Tract 415 on Dworshak Dam and Reservoir project lands. The campground is approximately twenty (20) miles from Orofino, Idaho. Existing facilities at Dent Acres Campground includes 52 sites with full hook ups, restrooms, sun shelter, boat ramp, boat dock, playground, parking and a trail from Dent Acres Campground to Dent Acres Group Camp.

a. Location and Description:

There are two concession site locations in Dent Acres Campground. Either or both sites may be used per approved proposal. See **Exhibit "A"** for the site map.

Location A- Campsite 44, the utilities available are an asphalt parking pad, picnic table, potable water and sewer connections, and 20/30/50 amp electricity. Garbage services are not included.

Location B- the “Turnaround” area as noted on the map near Campsite 44. No electrical service is presently at this location, but may be installed during the time period of this license There is no overnight occupancy at this location.

b. Maps: Maps showing the approximate locations of the property to be licensed may be view in the attached **Exhibit “A”**.

c. Description Approximate: The description of the property and map are believed to be correct, but any error or omission in the description of the property or on the map shall not constitute any grounds or reason for non-performance of the provisions and conditions of the license or claim by the licensee for any refund or deduction from the rental.

2. PURPOSE OF LICENSING: the properties identified above will be licensed for commercial concession to meet the public’s demand at reasonable prices to the public while allowing the concessionaire to make a fair profit. See the sample license attached as **Exhibit “G”**.

3. AUTHORITY OF LAW: The authority of law for the granting of this license is the General Administrative Power of the Secretary of the Army.

4. TERMS AND CONDITIONS OF LICENSING

a. Form of License: The successful applicant will be required to enter into a license with the United States Government on the form attached as **Exhibit “G”**. The license will be subject to any existing easements or other facilities needed on the property covered by said license.

b. Term: The license will be for a term of five (5) years.

c. Rental: The annual rental will be the amount stated (bid) in the application and accepted by the Government.

d. Payment of Rentals: The licensee will provide for the payment of rental to the United States, on delivery of the draft license for 2018 and thereafter annually in advance on the first day of April during the license term (2019, 2020, 2021, 2022).

e. Warranty: The property described herein will be licensed subject to the provisions and conditions of this Notice of Availability and said license form. The property is now subject to inspection by prospective applicants. **APPLICANTS ARE EXPECTED TO INSPECT THE PROPERTY AND TO FORM THEIR OWN CONCLUSIONS AS TO ITS SUITABILITY FOR THEIR PURPOSES. THE FAILURE OF ANY APPLICANT TO MAKE SUCH INSPECTION WILL NOT CONSTITUTE GROUNDS FOR ANY CLAIM FOR ADJUSTMENT OR FOR THE WITHDRAWAL OF THE APPLICATION AFTER THE TIME OF OPENING APPLICATIONS.** Arrangements for such inspection may be made with Natural Resource Manager, Paul Pence, Dworshak Dam and Reservoir, 1842

Viewpoint Road, Ahsahka, Idaho 83520, telephone number (208) 476-1258. It is understood and agreed that there is no warranty of any character other than that expressly stated in this Notice of Availability for Licensing.

f. Deposit Required: No deposit required.

g. Award of License: License will be awarded to the highest bidder complying with the conditions of this Notice of Availability for Licensing, provided that the applicant presents the best proposal to meet public demand and a recreational need based on a point system from the evaluation criteria below. Please see **Exhibit "C"** to insure that the proposal addresses all the required criteria for consideration. The minimum service requirements must be met as described in **section 4 (I) Minimum Service Requirements**. The evaluation criteria will be considered in descending order of importance:

1. Quality of the Proposal: Provide sufficient information so we may determine your understanding of the sale market, remote location, visitor use pattern, and recreation need. Must include the minimum requirements.

2. Experience and Background: Provide details of similar business experience and training, comparable work experience, experience with federal, state and local laws necessary to manage a concession, current or previous work with the Federal Government, as well as business and personal references.

3. Financial Capability: Provide bank references, financial statement and financial plan.

4. Credit and Criminal background check

h. Acceptance of Applications: All applications will remain open for acceptance or rejection for a period of seven (7) days from the date of opening applications. Notice of award will be given to successful applicant(s) as soon after the date of opening applications as practicable. Notice by the Government of the acceptance of an application, if not given to the successful applicant personally or to a duly authorized representative of such applicant, will be deemed to have been sufficiently given when mailed in a postage paid or franked envelope to the applicant at the address indicated in his/her/their application.

i. Rejection of Applications: The right is reserved, as the interests of the Government may require, to reject any and all applications and to waive any informality in applications received, and to accept or reject any items of any application, unless such application is qualified by specific limitation.

j. Default: In the event of failure on the part of the successful applicant to enter into a license after the date of notification by the Government that his/her/their application has been accepted and the presentation to him/her/them a draft of license

for execution, or in the event of failure of the successful applicant to otherwise comply with the terms of this Notice of Availability of Licensing the Government may declare the applicant in default.

k. Disputes: Person may protest the Terms of the Notice of Availability for Licensing before License application are due by writing Rodney C. Huffman, Real Estate Contracting Officer, Walla Walla District, U.S. Army Corps of Engineers, who shall mail or otherwise furnish a written copy of the decision to the protestor. The Real Estate Contracting Officer should consider such protest within sixty (60) days from delivery but may continue the licensing process.

Expect as otherwise provided in this notice, any protest, by a qualified license applicant, concerning a question of fact or law arising under this application which is not disposed of by agreement may, within thirty days of the date of the Government rejection letter to that applicant, be protested to Rodney C. Huffman, Real Estate Contracting Officer, who shall mail or otherwise furnish a written copy of the decision to the license applicant.

In connection with any written protest proceedings under this provision, protestor should clearly:

- (1) Identify the Notice of Availability in question;
- (2) Identify contact parties;
- (3) State the reason for the protest;
- (4) Provide documentation in support of the protest, and;
- (5) State what is the desired result.

The decision of the Real Estate Contracting Officer, or his duly authorized representative for the determination of such protest shall be final and conclusive.

The Real Estate Contracting Officer reserves the right to establish management objectives and requirements designed to achieve objectives. Special conditions of the license are not subject to this disputes process.

The Real Estate Contracting Officer will determine whether a license should be stayed during the protest process. There is a presumption that a license should be awarded contingent on the outcome of the protest process. Therefore, pending final decision of a dispute, a licensee awarded the license shall proceed diligently with the performance of the license and in accordance with the Real Estate Contracting Officer's decision.

I. Minimum Service Requirements: The minimum service requirements for submission to be considered acceptable are point of sale items **firewood and ice made available for sale within Dent Acre Campground on weekends and Federal holidays from Memorial Day to Labor Day**. Any submissions of proposal that does not meet this minimum requirement WILL NOT be considered. Any other categories of point of sale

items or rentals must be approved prior to starting and the beginning of every year in the term.

m. License Conditions:

1. The Grantee shall comply with all applicable Federal laws and regulations, ordinances, and regulations of the state, county, and municipality wherein the premises are located, including but not limited to, those regarding construction, health, safety, food services, water supply, sanitation, use of pesticides, and licenses or permits to do business. This includes Title 36 Rules and Regulation as well as Dent Acres Campground rules and regulations. Any violations to Title 36 are citable by U.S. Army Corps of Engineers Visitor Assistance Officers.

2. The Grantee will furnish all labor, equipment and supplies for concession sales operation. The cost for use of electricity, water and sewer utilities is \$31.35 per year, payable in advance as a separate billed line item due at the time of the annual rental payment.

3. The concession point of sale items shall be available for purchase on weekends and federal holidays from Memorial Day to Labor Day, and may operate at any time the campground is open to the public during normal park hours. Any changes to the minimum days schedule must be approved by the Real Estate Contracting Officer or his designated representative.

4. The rates and prices charged by the Grantee shall be reasonable and comparable to rates charged for similar goods and services by others in the area. The Real Estate Contracting Officer may require submission of a schedule of rates and prices at any time.

5. No more than two (2) vehicle plus concession sales unit will be allowed. All vehicles and sales staff will be identified as part of the concession operation.

6. There will be no structures provided by the government, other than what currently exist at the two sites provided.

7. The Grantee shall keep the premises in good order and in a clean, sanitary and safe condition. Trash generated by concession operation shall be disposed of off-site in an appropriate manner.

8. No floating toys, raft, etc., which are not U.S. Coast Guard approved PFD's (Personal Flotation Devices, Life Jackets, etc.) shall be sold at concession.

9. Concession shall carry and sell firewood and ice.

10. The Grantee shall not cut timber on Government Land.

11. Use of campground amenities available for the public is expected but no special priority or privileges will be given to the license concessionaire.

12. No alcohol sales are authorized.

n. Informative Risk and Liabilities

1. **Rental Payments:** It is the full obligation of the successful licensee to make prompt rental payments as specified in the license contract. Failure to make prompt payments can result in the Government revoking the license contract and instituting any legal proceedings deemed appropriate to recover the outstanding balance due to the United States of America.

2. **License Revocation:** The Government reserves the right to revoke the license contract should the successful licensee breach any of the terms and conditions of the license.

3. **Applicant Assumes All Risk:** Applicants assumes all potential financial risks associated with responding to the Notice of Availability. The Army Corps make no guarantees or assurances beyond what is contained in this notice, as to the condition of the potential mobile concession site. Applicants will have no claim against the Government for expenses they incur in responding to this Notice of Availability. The Government reserves the right to withdraw this Notice of Availability at any time if it is determined to be in the best interest of the Government.

4. **Environmental Compliance:** Upon the acceptance of an applicant's proposal by the Real Estate Contracting Officer, environmental compliance must be completed prior to issuance of a license. Upon review, if the license to authorize the proposed activities cannot be granted without an Environmental Assessment, the Government will not proceed to offer a license under this Notice of Availability.

5. INSTRUCTIONS TO APPLICANTS:

a. **Applications Subject to These Terms:** All applications submitted shall be deemed to have been made with full knowledge of all the terms, conditions and requirements herein contained.

b. **Application Form:** Applications must be submitted on the application form attached as **Exhibit "B"**. Additional copies of the Notice of Availability for Licensing and application form may be obtained from the Natural Resource Manager Paul Pence, Dworshak Dam and Reservoir, 1842 Viewpoint Road, Ahsahka, Idaho 83520 or from Real Estate Division, 201 North 3rd Ave., Walla Walla, Washington, 99362.

c. **Execution of Application:** Each application must give the full address and email of the applicant and be signed by the applicant. An application executed by an attorney or agent on behalf of the applicant shall be accompanied by two authenticated

copies of his/her/their power of attorney, or other evidence of his/her/their authority to act on behalf of the applicant. If the applicant is a corporation, the Certificate of Corporate Applicant must be executed. If the application is signed by the secretary of the corporation, the Certificate must be executed by some other officer of the corporation under the corporate seal. In lieu of the Certificate of Corporate Applicant, there may be attached to the application a copy of such records of the corporation as will show the official character and authority of the officer signing, duly certified by the secretary or assistant secretary, under the corporate seal, to be true copies.

d. Submission of Applications: It will be the duty of each applicant to see that his/her/their application is delivered by the time and at the place prescribed in the notice. Applications received prior to the time of opening will be securely kept, unopened. The person whose duty it is to open them will decide when the specified time has arrived, and no application or modifications of an application or withdrawal of an application received thereafter will be considered, except that those received beyond the time the award is made, but delayed in the mails by occurrence beyond control of the applicant may be considered if written certification is furnished by authorized postal authorities to that effect. No responsibility will attach for the premature opening or withdrawal of an application not properly addressed or identified. All modifications of application or withdrawals of an application must be in writing. Telegraphic or electronic mail applications will not be considered. Modifications or withdrawals of applications already submitted will be considered if received in writing prior to the time set for opening the applications.

e. Withdrawal of Applications: Applications may be withdrawn by written request received from applicants prior to the time fixed opening. Negligence on the part of the applicant in preparing his/her/their application confers no right to withdraw the application after it has been opened.

f. Opening of Applications: At the time fixed for the opening of applications, their contents will be made public for the information of applicants and other properly interested individuals, who may be present either in person or by representative.

g. Marking and Sealing Applications: The Notice of Availability number must be plainly marked on the sealed envelope in which applications are submitted. Please see below for an example.

Inner Envelope Label

Time: 2:00 pm	SEALED BID. DO NOT OPEN
Date: April 2, 2018	
Notice No. DACW68-9-18-11	
US ARMY CORPS OF ENGINEERS ATTN: REAL ESTATE DIVISION (207828) 201 NORTH 3RD AVE. WALLA WALLA, WA 99362	

Outer Envelope Label

YOUR RETURN ADDRESS

**US ARMY CORPS OF ENGINEERS
ATTN: REAL ESTATE DIVISION (207828)
201 NORTH 3RD AVE.
WALLA WALLA, WA 99362**

Enclosures

- 1. Exhibit A Maps**
- 2. Exhibit B Application**
- 3. Exhibit C Evaluation Criteria**
- 4. Exhibit D Visitation Data**
- 5. Exhibit E Title 36**
- 6. Exhibit F Campground Regulations**
- 7. Exhibit G Draft License**