

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY



# Tender Guidelines

## Expression of Interest

Ecotourism Facilities on Middle Peninsula Chesapeake Bay Public Access Authority Land

2017

# 1. INTRODUCTION

Tourism is recognized as a critical pillar of the Middle Peninsula's economy. The Middle Peninsula Chesapeake Bay Public Access Authority (MPCBPAA) is excited to utilize its network of nearly 1000 acres of public coastal land to improve eco-tourism throughout the region. With the region's natural environment and cultural heritage assets as its strongest competitive advantage, ecotourism will play an important role.

The MPCBPAA is committed to ecotourism growth in Middle Peninsula, Virginia and will work in partnership with potential investors to achieve the following objectives:

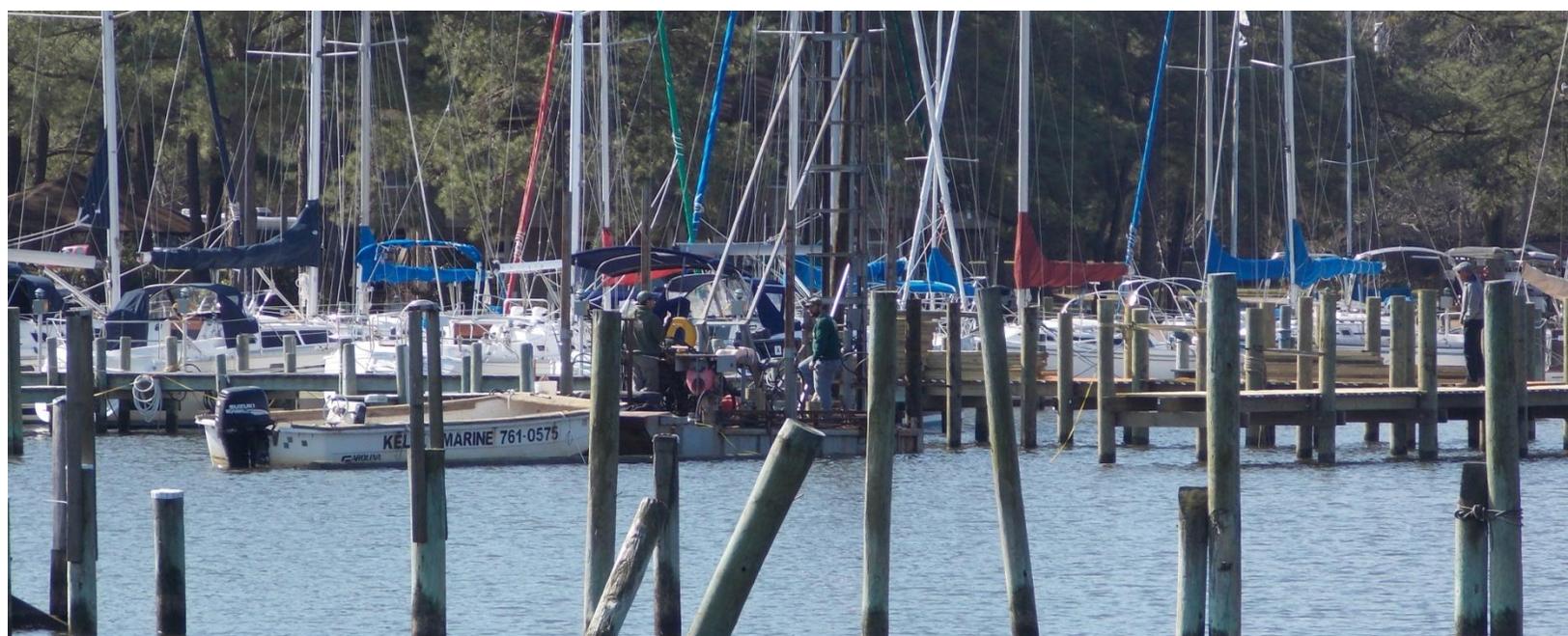
- create high quality sustainable ecotourism products, experiences, and activities that offer unique visitor experiences
- enhance Middle Peninsula's reputation as a leading ecotourism destination as part of Virginia's tourism sector
- support the economic growth and long-term job creation
- maximize the public benefit for the Middle Peninsula.

The MPCBPAA is inviting suitably experienced individuals and organizations to submit their ideas and proposals for the development of privately owned, low impact, purpose-built ecotourism infrastructure on MPCBPAA public lands through this expression of interest (EOI).

This document describes the ecotourism proposals sought through this EOI and details the process for lodging an EOI. In determining whether to make an application, proponents should consider this guideline along with the following documents:

- Ecotourism Facilities on MPCBPAA public land Implementation Framework
- Best Practice Ecotourism Development Guidelines for Stage 1
- EOI application form.

These documents are available on the MPCBPAA website <http://www.virginiacoastalaccess.net/MPPAA.html>.



## 2. THE INVITATION

EOI submissions outlining ecotourism concepts for MPCBPAA public land are sought from experienced individuals or organizations with the necessary skills, creativity and financial resources to deliver ecotourism facilities.

To encourage greater access to MPCBPAA public lands, the MPCBPAA ensures that all approved ecotourism facilities are in the public interest, environmentally sustainable and, to the greatest possible extent, preserve the land's natural condition and protect its cultural resources and natural values.

EOI submissions will be evaluated against a set of evaluation criteria incorporating the requirements. The MPCBPAA has developed an Ecotourism Facilities on MPCBPAA – Implementation Framework providing the guiding principles and detail on the assessment and authorization of ecotourism facilities on MPCBPAA public access.

MPCBPAA public lands are the main focus of this EOI; however the MPCBPAA recognizes that innovative and successful ecotourism concepts may also be best located on land adjacent to the MPCBPAA public lands. With this in mind, this EOI extends to all protected areas, such as conservation parks and resources reserves, and does not exclude ecotourism facilities proposed for land adjacent to MPCBPAA public lands. Proposed facilities on adjacent land must demonstrate the ecotourism proposal directly relates to, or is reliant upon, a MPCBPAA land for commercial viability.

Proposals may also identify other land adjacent to MPCBPAA land to meet ancillary requirements. Any additional land requirements for ancillary purposes should be identified in the EOI submission. For example, land requirements not on MPCBPAA public land may include private freehold; road reserve; forest reserve; land subject to lease, license or permit issued by the local, state, and federal government. These proposals will require other landholder's consent during Stage 2.

Should it be State land, a decision will need to be made as to whether that land is able to be used for the proposal. At a later date this may require additional investigation and permits depending on the proposed used and location of the ecotourism facility.

## 3. TENDER PROCESS

Proponents who can demonstrate experience in operating tourism businesses and have the financial capability to develop and operate ecotourism products, experiences or activities are encouraged to express their interest in this opportunity.

The tender process will be conducted in two stages:

Stage 1 – Invitation for expressions of interest (EOI)

Stage 2 – Request for detailed proposals

### Stage 1 – Invitation for expression of interest

The EOI is designed to qualify proponent(s) by determining how appropriate the development concept is for the site and whether the proponent is suitably experienced and has capacity to finance and operate the project.

The MPCBPAA will evaluate EOI submissions against the evaluation criteria to shortlist proponents who will be invited to the second stage of the tender process—the request for detailed proposal (RFP). Proponents should refer to the terms and conditions applicable to the EOI process provided at **Appendix A**.

#### Evaluation criteria

The following weighted evaluation criteria apply to EOI submissions.

#### 1. Proponent's concept for the site (weighting 50 per cent)

Proposals must outline:

- the ecotourism concept (i.e. what new or innovative visitor experiences are to be offered)
- the proposed development, site values, requirements and best practice solutions
- how the concept complements park management
- the destination fit and market segment (e.g. how the concept complements, or adds to, the destination's tourism competitive advantage).

#### 2. Proponent's experience (weighting 20 per cent)

Proposals must outline the proponent's previous experience in delivering and operating high quality, tourism infrastructure projects.

#### 3. Funding capacity (weighting 15 per cent)

Proponents must demonstrate their capacity to deliver the concept proposal, and outline their funding strategy to support implementation and operation of the ecotourism development.

#### 4. Commercial viability (weighting 15 per cent)

Proponents are expected to describe the commercial viability of the concept and how it will provide a commercial return on investment.

### **Information required for assessment**

The EOI application form available at <http://www.virginiacoastalaccess.net/MPPAA.html> outlines the information requirements for submissions.

The MPCBPAA is aware of the significant investment of time and resources in preparing an EOI submission. In this invitation, the MPCBPAA has sought to minimize the financial and preparatory requirements; however sufficient information is required to ensure that appropriate ecotourism projects, backed by suitably experienced and resourced entities, are shortlisted.

Applicants should assume that the evaluation panel has no knowledge of the applicant, their organization, its activities, experience or any other previous work undertaken for any organization or government agency.

MPCBPAA has developed an annual rolling submission process for applications. The below outlines this process:

Application Period 1: January 1<sup>st</sup> through March 31<sup>st</sup>

- a. One week staff review
- b. MPCBPAA Board will review applications at their April Meeting.
- c. Notification of shortlisted proponents occur by April 31<sup>st</sup>

Application Period 2: May 1<sup>st</sup> through July 31<sup>st</sup>

- a. One week staff review
- b. MPCBPAA Board will review applications at their August Meeting
- c. Notification of shortlisted proponents occur by Aug. 31<sup>st</sup>

Application Period 2: September 1<sup>st</sup> through Nov. 31<sup>st</sup>

- a. One week staff review
- b. MPCBPAA Board will review applications at their December Meeting
- c. Notification of shortlisted proponents occur by December 31<sup>st</sup> (or last day of year before holidays)

The MPCBPAA will allow sufficient time for shortlisted proponents to develop commercially, economically and environmentally viable detailed proposals as part of Stage 2.

### **Stage 2 – Request for detailed proposal (RFP)**

The purpose of the RFP stage is to seek detailed submissions from shortlisted proponents.

The MPCBPAA recognizes an interactive process may assist in developing high quality, well considered proposals. This may include meetings with proponents, representatives of the MPCBPAA and other stakeholders. All aspects of the process will be governed by the probity framework.

The timing of stage 2 will be determined by the MPCBPAA on completion of the EOI stage.

Depending on EOIs received, the MPCBPAA retains the right to determine whether to continue with the process.

Proponents are advised that due diligence will be undertaken as part of stage 2.

## 4. EVALUATION PROCESS AND PROBITY

MPCBPAA will lead the EOI process in collaboration with the:

- Middle Peninsula localities (ie. Essex, Gloucester, King & Queen, King William, Mathews, and Middlesex County and the Towns of Urbanna, West Point and Tappahannock)
- Middle Peninsula Planning District Commission

An evaluation panel, including representatives from relevant State agencies and independent external expert advisors (as required), will assess the EOI submissions.

The evaluation process will involve a review of each EOI submission to:

- confirm that satisfactory information has been provided by the proponent
- assess against the evaluation criteria; and
- establish a shortlist of proposals ranked in order of merit.

As part of the evaluation process, proponents may be invited to participate in a structured interview process. The MPCBPAA reserves the right, at its discretion, to make requests for clarification to one or more of the proponents at any time during the evaluation process.

## 5. LODGING YOUR EOI SUBMISSION AND ENQUIRIES

### Annual Rolling Submission Dates

Submissions must be received by 4:00 pm (EST)

March 31<sup>st</sup>

July 31<sup>st</sup>

November 31<sup>st</sup>

Applicants are required to provide:

- one original EOI that:
  - is printed on 8x11 paper
  - provides a full contents sheet
- one electronic copy of the EOI on via email or USB or CD-ROM (capable of being copied).

EOI submissions are to be lodged in a sealed envelope. The EOI submission (as well as the outside of the envelope) should be marked:

EOI for Ecotourism Facilities on MPCBPAA  
Expression of Interest

### Delivered to:

Middle Peninsula Planning District Commission  
125 Bowden Street  
Saluda, Virginia 23149

### Or Mail to:

Middle Peninsula Chesapeake Bay Public Access Authority  
PO Box 286  
Saluda, Virginia 23149

An acknowledgement of receipt will be issued by the MPCBPAA as soon as practicable in respect of the EOI submission.

The MPCBPAA reserves its right, in its absolute discretion, to accept or reject any EOI submission lodged after the closing date.

### Enquiries

During the EOI process, proponents may submit questions, requests for clarification and requests for further information to the MPCBPAA, clearly identifying each one. Proponents should submit these enquiries by email to:

Middle Peninsula Chesapeake Bay Public Access Authority  
Email: [llawrence@mppdc.com](mailto:llawrence@mppdc.com)

Responses to questions seeking any clarification in relation to this EOI may be made available to all interested parties by emailing Lewis Lawrence at [llawrence@mppdc.com](mailto:llawrence@mppdc.com). A proponent may stipulate that a question they are seeking clarification on relates to proprietary aspects of their EOI and is not of a general nature.

## Appendix A: Conditions applying to the EOI process

The following general terms and conditions applicable to the EOI stage of the tender process.

### A.1 No legal relationship

1. The information in this EOI invitation has been compiled on behalf of the MPCBPAA to guide organizations interested in participating in the EOI process for the project.
2. It does not constitute an offer or an invitation to make an offer in relation to participation in the EOI. It also does not indicate an intention by the MPCBPAA to enter into any form of legal relations with any party receiving it.

### A.2 Reservation of rights

Notwithstanding any contrary provision of this EOI invitation, the MPCBPAA may conduct evaluation of the EOI submission, and any selection or short listing of proponents in connection with the project, in a manner it thinks fit. The MPCBPAA reserves the right, in its absolute discretion and at any time and without notice to any Proponent, to:

1. change the structure, procedures and timing of the EOI process or overall competitive process for the project
2. take into account any information from its own and other sources in evaluating an EOI
3. request further information from any proponent in order to clarify any matter relating to the proponent's EOI submission
4. conduct due diligence investigations as required and in any manner considered appropriate
5. draw on outside expertise as required
6. terminate further participation in the EOI process by any organization, individual or proponent
7. allow further organizations to participate in overall competitive process for the project at any time (whether or not they have submitted an EOI)
8. amend the scope of the EOI invitation
9. determine the nature, scope and timing of any further stages in the EOI process (including evaluation criteria)
10. take such other action as it considers in its absolute discretion appropriate in relation to the EOI process or overall competitive process for the project; or
11. refuse to consider any EOI, including those:
  - a. lodged by means other than in accordance with this EOI invitation
  - b. lodged after the closing date and time
  - c. not conforming with this EOI invitation in any respect; or
  - d. lodged by a proponent who has not complied with this EOI invitation.

### A.3 Confidentiality and privacy

1. All documents and information provided by proponents will be stored securely and held in confidence, except to the extent that disclosure is required for audit or legal purposes or any other legislative requirements or as required or envisaged by this EOI Invitation.
2. Any information that is of a confidential nature or concerns the business, professional, commercial or financial affairs of a proponent, the disclosure of which could reasonably be expected to have an adverse effect on those affairs.
3. Proponents agree and acknowledge that it is not a breach of confidentiality for an EOI submitted by a proponent, and any related documentation or information, including any personal information.

### A.4 Costs to be borne by proponents

1. Proponents are responsible for all their own costs in relation to this EOI invitation, the EOI process or an EOI response.
2. In particular, the proponent agrees to indemnify the MPCBPAA against, and agrees that the MPCBPAA will not be responsible for or pay or reimburse, any costs, expense or loss which may be incurred by a proponent:
  - a. in the preparation of its EOI, attending any meetings, providing any further information, or otherwise in connection with its participation in the EOI process, or
  - b. as a result of any modification or termination of the EOI process.

### A.5 No warranties

1. This EOI invitation and all statements and information made in relation to it reflect the MPCBPAA's current intention only. The proponent agrees that information and intentions set out in this EOI invitation may change at any time at the MPCBPAA's sole discretion without notice or reason.
2. Each proponent accepts that the risk, responsibility and liability connected with an EOI is solely that of each proponent.
3. Proponents must obtain, at the proponent's own cost, their own independent legal, financial, tax and other advice in relation to information in this EOI invitation or otherwise made available to them during the EOI process.

### A.6 Ownership of EOI submissions

1. Subject to paragraph 3 below, all EOI response documents submitted to the MPCBPAA by a proponent become the property of the MPCBPAA and will not be returned to proponents.
2. Any intellectual property rights that may exist in an EOI response will remain the property of the proponent. Any element of an EOI response considered to carry any intellectual property rights should be clearly identified by the proponent. Where the MPCBPAA, in its sole discretion, determines that such elements are subject to such a right, the MPCBPAA will treat that element as protected.
3. By providing an EOI response, the proponent grants the MPCBPAA a non-exclusive, fully paid-up and royalty free, perpetual, assignable license to copy, adapt, modify, disclose or do anything else necessary at the MPCBPAA's sole discretion, to all material (including material that contains any intellectual property rights of the proponent or any other person) contained in an EOI, for the purposes of evaluating and clarifying that

EOI and do all things necessary associated with finalization of commercial arrangements for the project. An EOI will, to the extent that it contains information that is not already in the public domain, be held as commercial-in confidence and in accordance with clause A.3. of this EOI invitation.

### A.7 The State may rely on information in EOI submissions

By submitting an EOI, the proponent:

1. Warrants to the MPCBPAA that the information contained in its EOI is accurate and complete as at the date on which it is submitted, and may be relied on by the MPCBPAA in determining whether or not to shortlist the proponent
2. Undertakes to promptly advise the MPCBPAA if it becomes aware of any change in circumstances which causes the information contained in its EOI to become inaccurate or incomplete in a material respect
3. Acknowledges that the MPCBPAA will rely on the above warranty and undertaking when evaluating the EOI.

### A.8 Variations to this EOI Invitation

1. The MPCBPAA reserves the right, in its absolute discretion and at any time, to cancel, add to or amend the information, terms, procedures and protocols or any aspect of the project set out in this EOI Invitation without giving reasons.
2. No individual, organization or consortium will have any claim or be entitled to any compensation, costs or damages against the MPCBPAA, any of its authorities or agencies, or their respective officers, employees, agents or advisers with respect to the exercise, or failure to exercise, any such right, and the proponent agrees to grant an unlimited indemnity to the MPCBPAA in this regard.
3. Further, the MPCBPAA reserves the right to alter the proposed process including suspending or terminating the procurement process or adding additional stages.

### A.9 Acceptance of conditions

By lodging an EOI response in accordance with this EOI invitation, Proponents acknowledge their acceptance of the terms and conditions of this EOI invitation.

### A.10 Definitions

Unless the context otherwise provides, the following definitions will apply:

**Commonwealth** means the Commonwealth of Virginia

**EOI** or **EOI response** means the expression of interest submitted by the proponent to the MPCBPAA in accordance with this EOI invitation.

**EOI invitation** means this document, including terms and conditions and any attachments.

**EOI process** means the process referred to in this EOI invitation as stage one for the submission and evaluation of EOI submissions relating to the project.

**Evaluation criteria** means the criteria listed in the EOI invitation.

**Participant** means, for the purposes of an EOI response submitted on behalf of a consortium proponent, each and every participating member of the consortium proponent.

**Project** means the Ecotourism Facilities on MPCBPAA public lands.

**Proponent** means the entity provided with a copy of this EOI invitation for the purposes of considering submission of an EOI response.

**Shortlisted proponent** means a proponent successfully selected through the EOI process to continue the procurement process for the project and is so notified in writing by the MPCBPAA.