

Addendum #1 to Request for Bids (RFB) for Non-Exclusive Rental Car Concession at Oakland International Airport

The following materials are included in the posted folder/link labeled: OAK RAC RFB – Addendum #1:

1. Updated Deal Points Summary that addresses reallocation clarification (shown in track changes mode) as discussed at Pre-Bidder's Meeting on February 7th
2. Finalized and signed construction drawings for the forthcoming capital project: OAK Rental Car Center Improvements (dated 1-13-17)
3. Sign-in sheet of attendees at Pre-Bidder's Conference on February 7, 2017
4. Port of Oakland Agenda Report dated December 15, 2016 – Rental Car Center Improvements – budget approval and related authorizations
5. Port Resolution 16-145 dated December 15, 2016
6. Statement of Disadvantaged Business Enterprise Program Affidavit (corrected) – Attachment 12 of RFB document
7. Port-Authorized Use of Customer Service Facility Charges for 2017 Rental Car Center Redevelopment (details on implementation to follow at a later date via a future addendum, or future meeting(s))
8. Port of Oakland required CAD Waiver form (to be completed and submitted prior to release of AutoCAD file for Exhibit A – Gross Area vs. Leasable Area). Completed form can be emailed to me at mbryant@portoakland.com. In turn, I will relay to the appropriate Port resource to release the AutoCAD file to requesting party.
9. Additional information provided by Port's Office of Social Responsibility – requested reporting information to be provided on a quarterly basis.
10. Bid Form and Acknowledgment of Addenda (revised) – Attachment 5 of RFB document

Below are Port responses (in red font) to a portion of the submitted questions after the Pre-Bidder's Conference on February 7, 2017:

- **RFB page 2 of 3** – The Question Response Date stated is March 7, 2017. However, at page 20, Section IV – (A) BID PACKAGE – states that addenda may be issued “through April 4, the bid due date”. This is inconsistent and not practical. There must be sufficient time to adjust our bids, or even ask for clarifications in late-issued addenda. The March 7 date is acceptable IF there are no further addenda that could require clarification etc. We request that language be added to state that, if any addenda is issued after March 7, 2017, then the Bid Due date will also be extended for a reasonable amount of time. **Questions from prospective bidders will not be accepted after (noon) on Friday, March 3, 2017, and no further addenda will be issued for this RFB, after March 7, 2017.**

I. Project Overview –page 2 - Please confirm the existing Customer Service Booths are INCLUDED as Port property upon expiration of current Permits. **Customer service booths, regardless as to whether they are moveable, or affixed, along with equipment, furnishings and trade fixtures, can revert to the Port, subject to certain conditions in the current *Space Use Permit* – Section 16 (End of Term). Port is allowing these items be a part of the concession block being awarded.**

Project Overview – page 6- Modifications to RAC Center does not reflect ALL modifications needed to make the “Former Army Barracks” usable space. This presently states only the demo work, removal of utilities and foundation. The scope of work should be completely stated, as with Ryan St Site..i.e. “grading, drainage, paving, lighting, perimeter fencing etc.” In addition, the scope must also state that the Port will provide the Facility offered for rent in its expanded reconfiguration that assures all Bidder's Blocks have equitable ingress and egress within the Facility after the Block locations have been established. **The Port's Agenda Report dated December 15, 2016 fully describes the scope of work, and is included in the Addendum #1 folder. Exhibit C of the RFB document, constitutes the entire set of construction drawings on the scope of work that was developed.**

II. Scope of Services. Page 7 –(B) #2- There is a reference to a \$20mil capital investment by bidder??? We have no idea what this refers to, and we have no intention of undertaking such an investment at Oakland ConRac. Please strike or better clarify the intent. **The intent is for the bidder to demonstrate financial resources to sustain a long term relationship as proposed in the Space Use Permit (rents, as needed improvements, insurance, regulatory compliance matters, maintenance costs, operations, etc.**

Scope of Services page 7 – (B) #4

– Please confirm Incumbents are in good standing, or provide each us with notice as to why that cannot be confirmed. Refer to Default language in Section 15 (Default) of existing *Space Use Permit*. It is the responsibility of each prospective bidder to ensure that it is not in default under any agreement with the Port to which it is currently a party.

Scope of Services page 9 – (F) – What will the Port do if no bids exceed \$3.4mil? or \$3mil? The Port cannot respond to hypothetical questions. The Port will evaluate bids received on April 4, 2017 in accordance with the Request for Bids specifications.

Scope of Services page 10 – 1. (a)(iv)- Please ADD (iv) as follows: “Each successful Bidder’s block shall encompass ingress and egress “curb cuts” after the annexation of the Army Barracks, and as a requirement for a Port approved Block Plan Layout. If the existing entry/exits are not adequate to serve each block equitably, then the Port’s Project Scope for Modifications to said lot shall include the creation of necessary curb cuts to make each block of equal use to all. The reconfigured ready/return area and additional land area (Ryan St. site) will be delivered in accordance with the finalized and signed construction drawings for the capital project: OAK Rental Car Center Improvements (dated 1-13-17). Successful bidders are advised to consider ingress and egress to and from the concession blocks from Sikorsky Road, when bidding and making location selections. Any changes to the existing ingress and egress points (intended to be a CFC expense eligible for site specific improvements) to and from Sikorsky Road must be approved by the Port.

Scope of Services page 11 – (F)(2) – Please add a “bullet point” regarding cost allocation formula to allow for the Port to vary from the strict 50/50 split, if that formula, under certain circumstances, would not be fair and equitable. There is a 2-part approach to this cost allocation scenario as stated in the RFB document and in the Space Use Permit to address the question of equity/fairness.

Scope of Services page 11 (F)(3) – Regarding multi branding, the Qualifications Form says “no more than 4 brands...” under a single concession. That’s fine. But, this section in the Scope states “a reasonable number...”. This should conform with the Form and state “not to exceed 4 brands”. This is consistent with the Port’s expectations and is agreeable.

Scope of Services page 11 (G) –Please confirm this Ex 1 is to be submitted BLANK? **YES** What is the “relevant information” the Port will insert after we already signed it? **Exhibit 1 of the Space Use Permit will be completed by the Port, after concession block bids are evaluated, ranked and awarded – the associated sizes, rents, etc.**

Scope of Services page 13 (J)(6) – When will Bid Security checks be returned to successful bidders? **We can address return of Bid Security Checks of \$25,000 when going to the Board for approval of the new agreements as part of the package of action items.** This only refers to unsuccessful. Also, should cashier’s checks be made payable to City of Oakland or Port of Oakland? **(Port of Oakland – see Attachment 5 of the RFB)**

III. Submittal Requirements - page 21 – Define “bound” for purposes of our bid documents. Is use of a binder clip or three hole binder sufficient for this requirement that it be “bound”? **Binding can be 3-ring binding, velo-binding, wire binding, thermal binding, etc. Some form of professional binding that keeps all documents packaged into a single product.**

IV. Submittal Requirements – page 22 –Selection Procedure and Additional Provisions, Page 25 (T) – There is a vague implication that there is a “grading system” that ranks bids in a manner that is not solely based on MAG’s bid. This should not be the case. We are fine if it’s a two-step process: First, qualify all bids as responsive. Once All responsive bidders are identified, the only ranking criteria for bidders 1 through 4, should be based on the MAG. Please confirm this is accurate and amend language indicated in the document that is ambiguous on this evaluation of bids. **The Port believes that the evaluation criteria as stated in the RFB document, is clear.**

V. Additional Provisions – page 25 (U)- Contract termination does not belong in the RFB. All terms that pertain to any rights to terminate the Permit are set forth in greater detail in the Permit. Strike this statement in the RFB. **This is a standardized provision that is a required insertion for all Port of Oakland solicitation documents.**

ATTACHMENTS :

ATT 1 & 3 –_Are two signatures required by Port? Or, is this for our use, if we require? We prefer one, with the Corporate Resolution attached to reflect signer has Board authority. **Attachment 1 is calling for one signature + the same name being printed. Attachment 3 asks for a corporate executive (can be designated equivalent with documented delegation of signature authority), and a second signature by the appropriate corporate officer.**

Att 2 – A (1) Does not list, or include, the procedure for Limited Liability Company. Please add. **Add Notary Page when completing this form.**

Att 2 (A)(2) For our managers, up to Area VP for Operations, please allow a brief statement of work history, as opposed to full blown “resume”. **Short professional summaries are acceptable (can be from company website).**

Att 2 –(C) Financial Information – Confirm submittal of either 10K or Consolidated Annual Report filed with SEC is acceptable from publicly traded companies to satisfy this requirement. **This is acceptable.**

Att 2 (C) #2 – Pro Forma. Please delete this. it’s irrelevant. We are obligated to our MAG and rent regardless of our non-binding “forecast”. **In the event of a non-incumbent bidder, this type of information becomes more important. The Port agrees to waive the requirement for incumbent bidders.**

Att 5 – Bid Form – Why does bidder have to state which block it is “submitting its bid for”? does it matter? So long as the bid exceeds the given block minimum, it qualifies for one, or more, blocks that can be selected in MAG order, once the bids are open. One the other hand, if we put Block A, for example, but our bid is second and first bidder takes Block A, how does that impact our bid that now has no alternative indicated. It’s not needed for the Bid Form and adds confusion. Please strike that. **Will take the question and comment under advisement.**

Att 5 – Bid Form – this Form has a MAJOR error. It refers to our payment of “85% of our Gross Revenues...” Clearly this is an error. Its 85% of concession fees payable, OR another way of stating it is, **8.5%** of Gross Revenues from prior year. **Attachment 5 has been revised, and is consistent with language on page 6 of Deal Points Summary as to annual adjustment of MAG.**

Att 5 – Are two signatures required? One is preferred, with Corporate Resolution attached. **This is acceptable.**

Att 12 – The “signature” does not have any line to sign on. Please add a spot to sign. **Corrected form is included with addendum #1 materials**