



REQUEST FOR PROPOSALS FOR A CASUAL DINING/FAST FOOD CONCESSION



PROPOSAL SUBMITTAL DUE DATE: AUGUST 4, 2010 BEFORE 2:00 P.M.
County of Orange/John Wayne Airport
Eddie Martin Administration Building
3160 Airway Avenue
Costa Mesa, CA 92626

TABLE OF CONTENTS

CONTENTS	PAGE NUMBER
I. INTRODUCTION	
Proposals Requested.....	1
Proposal Deadline.....	1
Airport Description	1
Passenger Profile.....	2
Airport Improvement Program	2
Passenger Traffic.....	3
Hours of Operation.....	3
Five-Year Revenue Statistics	3
Concession Location Map	4
Concession Location and Property Descriptions	5
Required/Permitted Services	5
II. PROPOSAL OVERVIEW	
Proposer's Instructions.....	6
Schedule of Events.....	6
Pre-Proposal Meeting Location Map	7
Proposal Submittal Location Map.....	7
Proposal Procedure	8
Pre-Proposal Meeting	8
Proposal Deposits.....	8
Format of Proposal	9
Proposal Submittal.....	9
Proposal Opening	9
Proposal Review and Evaluation.....	10
Proposer Selection.....	10
Proposer Interviews	11
Items to be Proposed or Submitted.....	11
Concession Construction Requirements	11
Midterm Refurbishment.....	12
Minimum Experience Desired	12
Airport Concession Disadvantaged Business Enterprise (ACDBE) Participation	12
Americans with Disabilities Act.....	12
Rating Criteria for Proposers.....	12
Execution of Casual Dining/Fast Food Concession Lease	13
Commencement of Operation	13
Lease Summary.....	14
III. PROPOSAL FORM	
Proposal.....	16
Fees Proposed.....	16
Proposer's Questionnaire.....	19
Experience and Qualifications.....	25
References	26
Financial Viability and Background Data	29
Pro Forma Income Statement	30
Proposed Menu/Pricing.....	31
Construction of Casual Dining/Fast Food Concession.....	31
Airport Concession Disadvantaged Business Enterprise (ACDBE) Participation	32
Other Information.....	33

IV. ADDENDA

Exhibit A – Historical Enplaned Passenger Counts for Commercial and Commuter Airlines	34
Exhibit B Proposed Airline Locations Terminal A, B and C	35
Exhibit C – Proposer's Checklist	36
Exhibit D – Proposal Evaluation Form.....	37

Casual Dining/Fast Food Concession Lease

I. INTRODUCTION



PROPOSALS REQUESTED

The County of Orange is requesting proposals for the selection of a concessionaire for a Casual Dining or a Fast Food (Casual Dining/Fast Food Concession) concession in the Thomas F. Riley Terminal at John Wayne Airport. The successful proposer shall provide a food and beverage service in Terminal C, that requires little waiting and can be served quickly through either counter-service for fast food or with table service for casual dining. Products purchased from the Casual Dining/Fast Food concession location can be consumed in the concession location, or packaged to-go for consumption elsewhere, *i.e.*, on board an aircraft. The Casual Dining/Fast Food Concession will be allowed to serve non-alcoholic beverages and beer and wine; the latter being consumed within the leased premises only. The sale of other alcoholic beverages from the Casual Dining/Fast Food Concession location is prohibited.

As a portal to Orange County, John Wayne Airport provides a unique opportunity for proposers to express the vibrant beauty of its surrounding community, and create a first impression for many travelers as they enter Southern California. As an aesthetic guide, John Wayne Airport identifies with images that relate to Orange County - gardens of fresh colorful flowers in the spring, warm stucco and terra cotta, oranges and strawberries locally grown, high quality art galleries, a wide variety of retail and dining experiences and beautiful beaches. Orange County brings to mind fresh air, the warmth of the sun, vistas of rolling foothills and seaside cliffs. It is a community that enjoys diverse natural beauty, as well as high quality built environment. The imagery should serve as inspiration for all designers involved in developing the concession identities and aesthetics in the Airport.

Proposers should become familiar with the proposed interior design elements of Terminal C when designing their concession. These design elements include barrel vaulted spaces, clear views through the terminals from landside to airside, use of natural stone, and a soft neutral colored palette used to create an open and inviting high quality environment for passengers at John Wayne Airport. These archetypal elements along with the images associated with Orange County should serve as an inspiration for proposers in developing their concession designs for John Wayne Airport.

PROPOSAL DEADLINE

The proposal questionnaire and other required documents must be completed and submitted by or before 2:00 p.m. on Wednesday, August 4, 2010, to:

County of Orange/John Wayne Airport
Eddie Martin Administration Building
3160 Airway Avenue
Costa Mesa, CA 92626

For questions regarding this proposal package please contact:

Jessica Dixon
Asset Manager
3160 Airway Avenue
Costa Mesa, CA 92626
(949) 252-5228
jdixon@ocair.com

AIRPORT DESCRIPTION

John Wayne Airport (JWA) serves nearly 9 million passengers a year and offers a diverse selection of major commercial airlines, commuter and regional jets, as well as a vibrant business jet and general aviation community. As Orange County's only commercial airport, JWA provides service to 17 non-stop destinations, which includes travel to major cities along the west coast and Newark as well as many destinations in-between. Airlines currently serving JWA are as follows: Alaska, American, Continental, Delta, Frontier, Southwest, United, US Airways and Virgin America.

Situated on 504 acres in Orange County, California, the Airport is bounded by the San Diego (405) Freeway on the north, the Corona del Mar (73) Freeway on the south, MacArthur Boulevard on the east, and the Costa Mesa Business Complex on the west.

The existing Thomas F. Riley Terminal opened its doors on September 16, 1990. The 448,505 square foot building contains 14 loading bridges, 2 commuter terminals, four baggage carousels, two airline club lounges and a variety of food and gift concessions with convenient freeway access and parking available in three adjacent parking structures.

The historic 1985 Settlement Agreement between the County of Orange, City of Newport Beach and two community groups governed the parameters of the construction of the Thomas F. Riley Terminal as well as the current Airport Improvement Program. The Agreement was recently modified to allow for the current Airport Improvement Program to serve up to 10.8 million passengers through 2015.

PASSENGER PROFILE

A passenger survey was completed by Strategic Consulting & Research in July 2009. Of those surveyed, 37% described their travel as business-related (including conventions, and combined business and pleasure trips), and 56% as pleasure and leisure. The complete passenger survey is available on line at www.ocair.com/newsandfacts/reports/2009JWAPassengerSurvey.pdf.

AIRPORT IMPROVEMENT PROGRAM

The Airport Improvement Program is a multi-year program that includes the construction of new Terminal C, one new parking structure and updates to existing Terminals A and B with an estimated completion in late 2011.

Stage 1 (complete)

1. Build new South Remain-Over-Night (RON) aircraft parking area.
2. Strip area for temporary passenger vehicle parking (Lot C)

Stage 2 (complete)

1. Open Parking Lot C and provide free shuttle service between parking area and the Riley Terminal.
2. Close and deconstruct parking Structure B1

Stage 3 (In progress)

1. Begin construction of new Terminal C
2. Begin construction of new 2,000+ space parking Structure C
3. Begin construction of new north and south commuter/regional facilities

Stage 4

1. Open new Terminal C
2. Open new Parking Structure C
3. Close Parking Lot C/ relocate aircraft to new South RON
4. Construct Phase 2 of Parking Structure C (when needed)

PASSENGER TRAFFIC

A monthly breakdown of passengers for the 12-month period ending February 2009 is provided below. (It may be assumed that passengers were split equally between enplaned and deplaned passengers.) Enplaned passenger traffic per carrier for fiscal years 1999 through 2009 is provided in Exhibit A of the Addenda.

January	09	592,370	July	09	821,905
February	09	583,016	August	09	833,962
March	09	713,196	September	09	709,101
April	09	722,797	October	09	769,373
May	09	739,093	November	09	700,223
June	09	785,878	December	09	734,285

HOURS OF OPERATION

Commercial airlines operations at John Wayne Airport begin at 7:00 a.m. (8:00 a.m. on Sundays) and continue until 11:00 p.m. Departures are scheduled no later than 9:30 p.m. daily.

FIVE-YEAR REVENUE STATISTICS FOR CURRENT FAST FOOD OPERATOR

GROSS RECEIPTS OF CURRENT CONCESSIONAIRE (FISCAL YEARS ENDING 2004 THROUGH 2009)

YEAR	REPORTED GROSS RECEIPTS
2004 - 2005	\$5,357,714
2005 - 2006	\$5,398,327
2006 - 2007	\$5,420,202
2007 - 2008	\$5,567,347
2008 - 2009	\$5,956,391
2009 – 2010 (July 09 – Dec. 09)	\$3,249,227

The current concessionaire is paying the greater of:

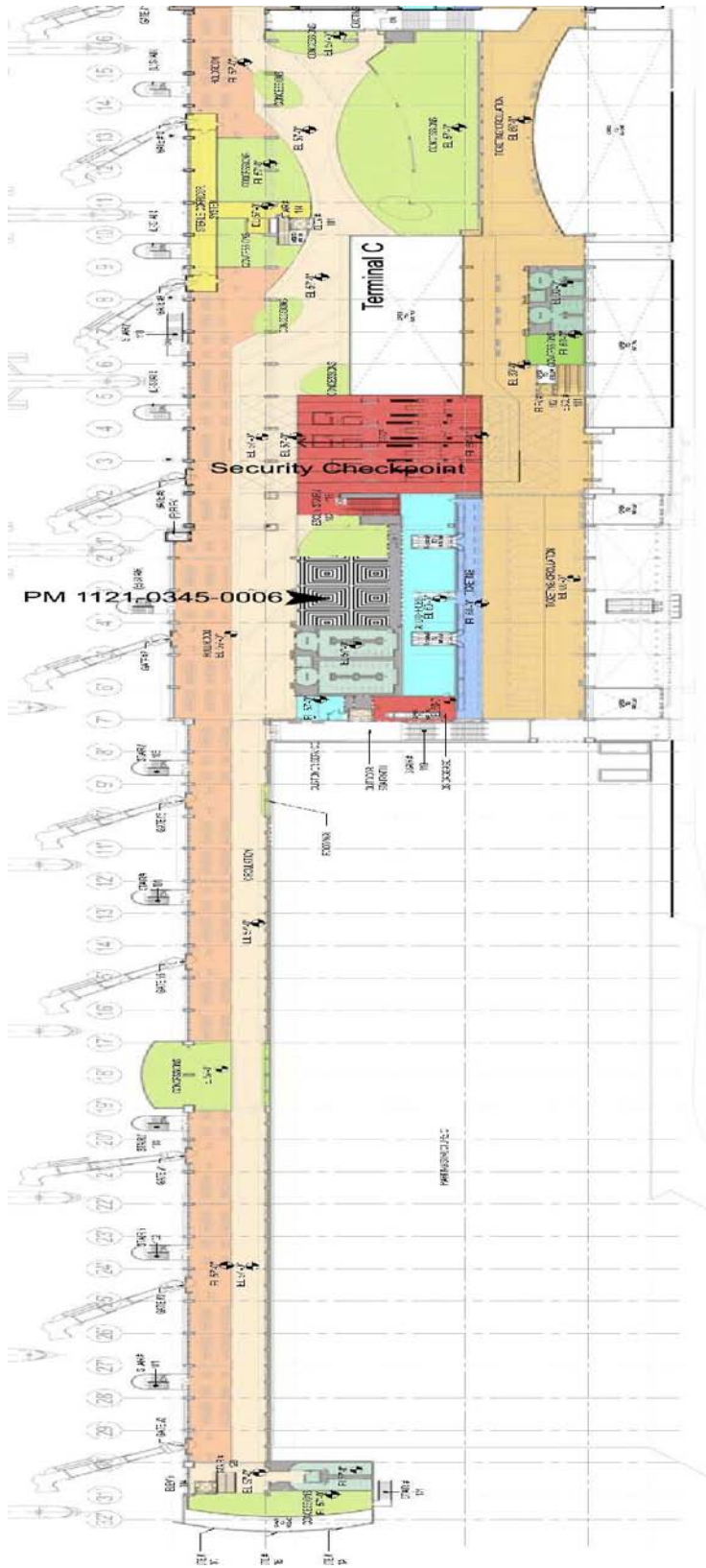
16% of gross receipts for food and beverages;

(The current Fast Food concession does not sell beer and wine and is not considered a Casual Dining concession.)

OR

a Minimum Annual Guarantee of \$701,710

CASUAL DINING/FAST FOOD CONCESSION LOCATION MAP (Terminal C)



CASUAL DINING/FAST FOOD CONCESSION LOCATION AND PROPERTY DESCRIPTIONS

There is one Casual Dining/Fast Food Concession location, located in Terminal C on the airside departure level containing approximately 2,600 square feet of retail space, with the approximate dimensions of 62'x 42'. Additionally, one (1) storage location is located on the arrival level containing approximately 1,100 square feet. All locations are situated within the John Wayne Airport Thomas F. Riley Terminal Building at 18601 Airport Way, in the City of Santa Ana, County of Orange, State of California, and located on Lots 132 and 135 of Block 7 of the Irvine Subdivision, per map recorded in Book A, Page 88 of Miscellaneous Maps in the Office of the County Recorder of Orange County, together with the right of ingress and egress thereto.

REQUIRED/PERMITTED SERVICES – CASUAL DINING/FAST FOOD CONCESSION

The successful Proposer will provide a Casual Dining/Fast Food Concession with high emphasis on customer service and quality food and beverage products. The successful Proposer shall be required to provide food and beverage services that require little waiting and can be served quickly through counter-service or through table service. The Concession location shall provide products for purchase that can be consumed in the concession areas, or packaged to-go for consumption elsewhere, *i.e.*, on board an aircraft. The Casual Dining/Fast Food Concession will be allowed to serve beer and wine; however, the sale of other alcoholic beverages from the concession location is prohibited.

Non-Permitted Items:

- Sale or use of tobacco products

Display areas for items sold by the concession shall not extend beyond the tile areas located immediately in front of the concession locations.

The Airport reserves the right to restrict or prohibit the sale of those items which, in the opinion of the Airport, are not in the public interest, or which might compete unfairly with other Terminal concessions. Tenant also agrees not to conduct or permit to be conducted any public or private nuisance (as defined in C.C. 3479) in, on or from the Leased Premises, or to commit or permit to be committed any waste in, on or from the Leased Premises.

Pricing:

Prices of items provided for sale by concessionaire at the Casual Dining/Fast Food location shall not exceed one hundred and ten percent (110%) of the prices found in comparable Casual Dining or Fast Food locations in the Orange County area. Pricing comparison surveys shall be conducted by concessionaire as stated in the lease to ensure that food and beverage prices do not exceed 110% of prices found in comparable Casual Dining or Fast Food locations in the Orange County Area.

II. PROPOSAL OVERVIEW



PROPOSER'S INSTRUCTIONS

Please read the following "Proposer's Instructions" and "Proposer's Checklist" carefully and check your proposal package immediately upon receipt to ensure that you have in your possession all the necessary documents. The information presented in this Request for Proposal (RFP) is provided solely for the convenience of Proposers and other interested parties. It is the responsibility of the Proposers and interested parties to assure themselves that the information contained in this package is accurate and complete. The County or its advisors provide no assurances pertaining to the accuracy of the data in the RFP.

All proposal documents and supplementary material or information submitted shall become the property of the County of Orange. All costs associated with the preparation and submission of any proposal shall be borne entirely by the Proposer. All documents submitted in connection with this RFP will remain confidential until award of the Casual Dining/Fast Food Concession Lease. Upon award, said documents will be subject to the California Public Records Act (CPRA). (California Government Code Section 6250 et seq.), hereinafter collectively referred to as "Proprietary Information"

The Proposer must identify, in writing, all copyrighted material, trade secrets or other proprietary information that Proposer claims are exempt from disclosure pursuant to the CPRA.

If the County receives a CPRA request for the Proposal, including any Proprietary Information, the County shall notify the Proposer of said request. The Proposer shall have the timely opportunity to obtain a court order prohibiting such release.

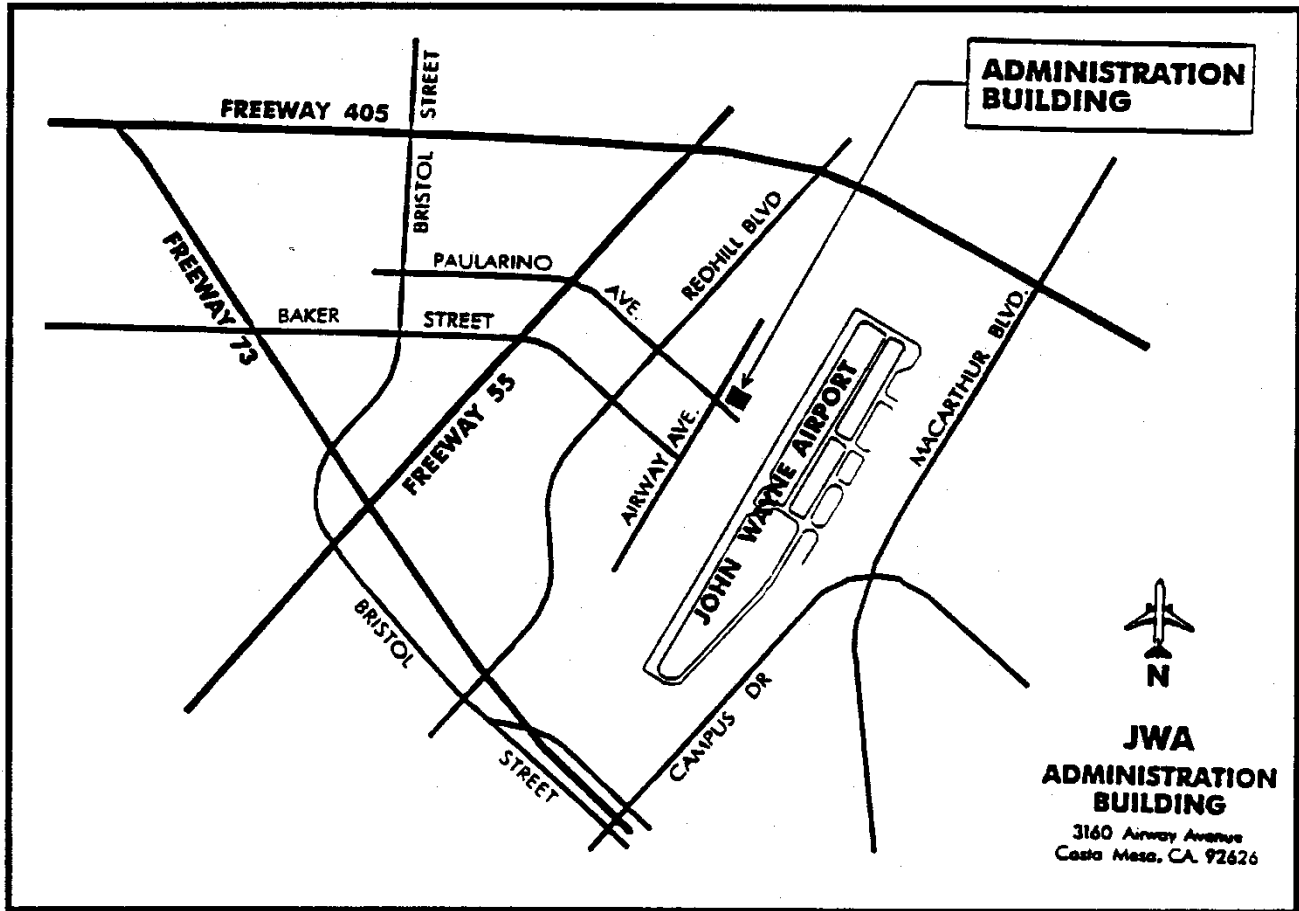
SCHEDULE OF EVENTS

Proposals Requested	March 17, 2010 – August 4, 2010
Last Date to Submit Proposal Questions	Monday, May 24, 2010
Pre-Proposal Meeting	Wednesday, May 26, 2010
Proposals Due	Wednesday, August 4, 2010
Proposer Interviews (If necessary)	Thursday, August 18, 2010
Airport Commission	Wednesday, October 20, 2010 (Tentative)
Board of Supervisors Selection of Proposer	Tuesday, November 9, 2010 (Tentative)
Commencement of Operations	November 2011 or Date of Beneficial Occupancy

PRE-PROPOSAL MEETING AND PROPOSAL SUBMITTAL LOCATION MAP

John Wayne Airport
Eddie Martin Administration Building

Airport Commission Hearing Room
3160 Airway Avenue, Costa Mesa, CA 92626



DIRECTIONS:

From the southbound 405 Freeway

Take the Bristol Street Exit
Turn right on Bristol Street
Turn left on Paularino Avenue
After Paularino crosses Airway Avenue (4-way stop)
Turn left into the parking lot behind the building

From the northbound 405 Freeway

Transition to the 55 Freeway south
Take the Baker Street Exit
Turn left on Paularino Avenue
After Paularino crosses Airway Avenue (4-way stop)
Turn left into the parking lot behind the building

From the southbound 55 Freeway

Take the Baker Street Exit
Turn left on Paularino Avenue
After Paularino crosses Airway Avenue (4-way stop)
Turn left into the parking lot behind the building

From the northbound 55 Freeway

Take the Baker Street Exit
Turn right on Paularino Avenue
After Paularino crosses Airway Avenue (4-way stop)
Turn left into the parking lot behind the building

PROPOSAL PROCEDURE

In order to be considered for award of the operation of the Casual Dining/Fast Food Concession at John Wayne Airport, you must complete and submit a signed proposal including a Proposer's deposit, a Proposer's Questionnaire, the signed Lease, and any attachments thereto.

PRE-PROPOSAL MEETING

Those planning to submit proposals are encouraged to attend a pre-proposal meeting on Wednesday, May 26, 2010 at 9:00 a.m. County staff will be available at that time to review the request for proposals and to answer questions. The meeting will be held at:

County of Orange/John Wayne Airport
Eddie Martin Administration Building
Airport Commission Hearing Room
3160 Airway Avenue
Costa Mesa, CA 92626

The pre-proposal meeting is not designed as a forum to renegotiate the terms and conditions of the lease, but rather to clarify specific questions regarding the RFP process.

Proposers are encouraged to submit via e-mail, prior to Monday, May 24, 2010, any questions regarding the proposal or related documents to the attention of Jessica Dixon at jdixon@ocair.com.

John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626
Attn: Jessica Dixon
JWA/Business Development

The County of Orange will not be responsible for any oral instructions or clarification of the proposal documents or the proposal procedure. Should you find a discrepancy in, or omission from said documents or should you be in doubt as to their meaning or as to the proposal procedure, you shall, not later than Monday, May 24, 2010 notify Jessica Dixon, JWA/Business Development, by mail at the above address, by Fax at (949) 252-5225, or by e-mail at jdixon@ocair.com, who will thereafter, if appropriate, address the issue at the Wednesday, May 26, 2010 pre-proposal meeting for questions submitted prior to the meeting, and in writing in any addenda thereto.

PROPOSAL DEPOSITS

A proposer's deposit in the amount of \$10,000 in the form of a Cashiers Check made payable to the County of Orange/John Wayne Airport or through a wire transfer of funds to the County of Orange/John Wayne Airport is required. To wire transfer funds to the County of Orange/John Wayne Airport, please contact Ms. Lisa Kawashima, John Wayne Airport Accounting Manager at (949) 252-5218 or via E-mail at lkawashima@ocair.com, to County of Orange/John Wayne Airport. **The \$10,000 proposer's deposit or confirmation of a wire transfer of funds must accompany your proposal or your proposal will be rejected.** The deposit will be held by the County as a proposal guarantee securing the obligations proposer agrees to assume in their proposal.

Upon execution of the Casual Dining/Fast Food Concession Lease, the deposits submitted by the unsuccessful proposers will be returned. The successful Proposer's deposit will be applied to the first months' rent.

Should the successful Proposer fail to meet the conditions of or enter into the Lease, the Proposer's deposit shall be retained by the County, not as a penalty, but as consideration for County's costs to solicit proposals.

Such payment, however, shall not preclude recovery by County of any amount over and above said sum for damages sustained by the County by reason of such failure or refusal.

If the County's Board of Supervisors so desires, it may thereafter, at a regular or special meeting of the Board, award the Casual Dining/Fast Food Concession Lease to the next highest rated responsible and qualified Proposer as determined by said Board, solicit new proposals, or take such other action as the Board deems appropriate, at said Board's absolute and sole discretion.

FORMAT OF PROPOSAL

The proposal must be submitted on the proposal form contained in Section III herein and is to be tabbed and bound. All information that does not fit on the form shall be included in the back of the proposal, properly labeled for ease of review by the evaluation committee.

The proposal should be prepared simply and economically, providing a straightforward, concise description of capabilities to satisfy the requirements of the RFP. Emphasis should be on completeness and clarity of content with sufficient detail to allow for accurate evaluation and comparative analysis. Proposal responses must contain a table of contents, followed by the proposal questionnaire, required statements, references, signed lease contained in Section IV, Addenda, etc. ("Proposal"), and must be tabbed in the order shown under the Rating Criteria For Proposers as follows:

- Tab 1. Proposal and Proposer's Questionnaire
- Tab 2. Rent Proposed (MAG and Percentage rents to Airport)
- Tab 3. Experience and Qualifications
- Tab 4. Financial Viability and Background Data
- Tab 5. Proposed Menu, Pricing, and Improvements

PROPOSAL SUBMITTAL

Written proposals must be submitted on County proposal forms. Proposals shall not be submitted via facsimile (fax) or via e-mail. Proposal shall be submitted in enclosed sealed envelopes prominently marked **SEALED PROPOSAL**, and must contain the following information on the outside of the envelope:

Casual Dining/Fast Food Concession
John Wayne Airport
PM 1121-0345-0006

Sixteen (16) full sets of your written proposal along with your Proposer's Deposit check or Wire Transfer Confirmation must be delivered before 2:00 p.m., August 4, 2010. No proposal shall be accepted beyond this time and date regardless of reason. Proposals shall be delivered to:

County of Orange/John Wayne Airport
Eddie Martin Administration Building
3160 Airway Avenue
Costa Mesa, CA 92626
Attention: Jessica Dixon/JWA Business Development

Hand delivered proposal must be delivered to the John Wayne Airport receptionist located in the reception area at the above address. The receptionist will date and time stamp all proposals delivered in this manner and provide a receipt upon request. **DO NOT** hand deliver proposals to any other location at John Wayne Airport.

PROPOSAL OPENING

Proposals will be opened by the Airport on Wednesday, August 4, 2010 at 2:00 p.m. at the following address:

County of Orange/John Wayne Airport
Eddie Martin Administration Building
3160 Airway Avenue
Costa Mesa, CA 92626

The Airport will open the proposals and read the name of the Proposers, verify the proposals are signed, and that a proposal deposit of \$10,000 is included. No other information will be read or made public at that time.

PROPOSAL REVIEW AND EVALUATION

Depending upon staff recommendation, the evaluation process may include more than one committee rating process. All proposals will be reviewed by a proposal evaluation committee composed of members of John Wayne Airport staff, including Administration, Operations, Facilities, Business Development, Accounting, and may include one or more members of the general public.

The evaluation committee's recommendation will be advisory to the Board of Supervisors. It is the County's intent to award the Lease to the most qualified and responsible Proposer who provides the best overall proposal. County, at its discretion, reserves the right to waive any procedural irregularity or immaterial defects in proposals which County deems do not warrant rejection of a proposal. Such waiver shall not relieve proposer of complying with the terms and conditions of the RFP or the Lease.

The evaluation committee's recommendations will be based on the overall proposal submitted. Rating criteria will include the Rating Criteria contained herein and on the Proposal Evaluation Form contained in Section V, Addenda, of this proposal package.

PROPOSER SELECTION

John Wayne Airport will supervise analysis of all proposals received and return to the Board of Supervisors with the evaluation committee's ranked slate of Proposers and recommendations for the selection of one Proposer to be awarded the Casual Dining/Fast Food Concession Lease. It is the County's intent to award the Lease to the most qualified and responsible Proposer.

The County reserves the right to award the Casual Dining/Fast Food Concession Lease to other than the evaluation committee's top ranked Proposer, to reject any or all proposals, to cause re-soliciting of the proposals, or to take such other course of action as the County deems appropriate at the County's sole and absolute discretion.

Although not intended to be an exhaustive list of causes for disqualification, any one or more of the following may be considered sufficient for the disqualification of a Proposer and the rejection of the proposal:

1. Evidence of collusion among Proposers.
2. Incomplete submittal of proposal or other requested information.
3. Submittal of proposal in a format or order other than requested.
4. Non-submittal of Proposer's deposit.
5. Insufficient evidence of business skills or financial resource necessary to operate the Fast Food concession successfully as revealed by either financial statements or experience.
6. Insufficient evidence of responsibility as shown by past work, references, or other factors.
7. Default or termination of other contracts or agreements.
8. Omission, inaccuracy, misstatement, or failure to file any portion of the proposal and signed Lease with the proposal.
9. Nondisclosure of pending litigation matters.
10. Other causes as the County deems appropriate at the County's sole and absolute discretion.

The County's determination as to whether the Proposer is qualified and responsible will be based on the information furnished by the Proposer in the aforementioned Proposer's Questionnaire as well as

from other sources determined to be valid by the County. Award will not be made until after such investigations as are deemed necessary are made by the County regarding the experience and financial responsibility of the Proposer, which investigation each Proposer agrees to permit by submitting a proposal.

NOTE: Please notify your business references, in writing, that John Wayne Airport staff will be contacting them concerning the financial and experience information furnished with your proposal.

PROPOSER INTERVIEWS

Proposer interviews may be held by the proposal evaluation committee. Interviews will only be held if the committee desires to clarify items contained in a proposal. Presentation by Proposers will not be permitted. If you are not invited to an interview, this does not mean your proposal has been eliminated from selection. If you are being scheduled for an interview you will be notified by telephone of the specific time and location of your interview.

ITEMS TO BE PROPOSED OR SUBMITTED

Details regarding the submittal requirements can be found in Section III, Proposal Form and include the following:

Fees Proposed

- Minimum Annual Guarantee (Minimum of \$250,000 per year)
- Percentage of Gross Receipts (Minimum of 14 % for Food and beverages and 18 % for Beer and Wine)
- 5-Year Pro Forma Income Statement

Experience and Qualifications

- Relevant Experience
- References

Financial Viability and Background Data

- Audited/Unaudited Balance Sheet & Income Statement (for the last two fiscal years, prepared by a Certified Public Accountant)
- Pending Litigation
- Bankruptcy

Proposed Menu/Pricing and Improvements

- Improvement Plan for Casual Dining/Fast Food Concession, including rendering or description of any improvements and/or signage proposed. Include proposed capital investment.
- Provide a list of menu items to be offered for sale and the proposed prices for such items for the Casual Dining/Fast Food Concession
- Proposed Mid-Term Refurbishment

CONCESSION CONSTRUCTION REQUIREMENTS

It is the goal of John Wayne Airport to facilitate the highest concession standards by establishing an atmosphere that enhances overall passenger satisfaction, and increases the operational and economic performance of the concessions.

Proposer shall construct, equip and complete the capital improvements for the concession locations included within this RFP in accordance with the Tenant Design Guidelines and Plans approved by County. Proposers can view or obtain a copy of John Wayne Airport's Tenant Design Guidelines at <http://www.ocair.com/businessandemployment/RFPsRFQs/TenantDesignStandards.pdf>. A minimum of Two Hundred and No/100 Dollars (\$200.00) per square foot in capital improvement costs must be expended for the development of construction and installation of the capital improvements in each concession location. Proposer is responsible for all finish work inside the concession locations subject

to the term of the Lease for the applicable concession, including but not limited to, shelving, counters, interior design and utility hook-ups to the electrical and plumbing stub outs installed by County. Notwithstanding the foregoing, however, each Proposer has the ultimate responsibility for ensuring that all concession locations leased to Proposer are open and operating in a first class manner as required under the Casual Dining/Fast Food Concession Lease. During the construction period and until the new and/or existing concession locations are transferred to the successful Proposer for a particular concession, the existing concession units will continue to be operated by the current food and beverage operator.

MIDTERM REFURBISHMENT

The successful Proposer must complete midterm refurbishments of all of its concession locations subject to the terms of the Casual Dining/Fast Food Concession Lease. The successful proposer shall expend no less than \$75.00 per square foot per concession location. Proposer has the ultimate responsibility for ensuring that all concession locations leased to Proposer are open and operating in a first class manner as required under the Casual Dining/Fast Food Concession Lease during midterm refurbishments. County requires that a reasonable variety of food and beverage services be available to all Airport users during midterm refurbishments.

MINIMUM EXPERIENCE DESIRED

The County of Orange will consider only those proposals which demonstrate and prove that Proposer has the capability to provide the services required in this request for proposals.

To be qualified as a Proposer, you must demonstrate that your firm has a minimum of five (5) years experience in the successful operation and management of a Casual Dining/Fast Food concession at an airport or in a high customer volume situation.

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PARTICIPATION

It is the policy of John Wayne Airport to promote the objectives of the Department of Transportation with respect to the participation of Airport Concession Disadvantaged Business Enterprises (ACDBEs) in DOT-assisted contracts. This policy has been formulated to comply with 49 CFR Parts 23 and 26. John Wayne Airport has not established a contract goal for this opportunity but has established a race neutral goal of 13.7% for the utilization of firms owned and controlled by socially and economically disadvantaged persons. Proposers are required to establish a ACDBE plan in support of the Airport's race neutral efforts. Proposers wishing to be certified and not currently certified by the California Unified Certification Program must complete a Certification Application and be certified prior to proposal due date. Information on how to receive an application is on Page 32.

AMERICANS WITH DISABILITIES ACT

Tenant must comply with all ADA requirements. It is the Proposer's responsibility to be aware of and comply with the applicable ADA requirements.

RATING CRITERIA FOR PROPOSERS

<u>Criteria</u>	<u>Weight</u>
Fees Proposed	25%
- Minimum Annual Guarantee (\$250,000 per year minimum) - Percentage of Gross Receipts (14% for Food and Beverage 18% for Beer and Wine) 5-Year Pro Forma Income Statement	

Experience and Qualifications 20%

- Relevant Experience
- References

Financial Viability and Background Data 20%

- Audited/Unaudited Balance Sheet & Income Statement
(for the last two fiscal years, prepared by a Certified Public Accountant)
- Pending Litigation
- Bankruptcy

Proposed Menu/Pricing and Improvements 35%

- Improvement Plan for Casual Dining/Fast Food Concession, including rendering or description of any improvements and/or signage proposed. Include any proposed capital investment (\$_____)
- Provide a list of menu items to be offered for sale and the proposed prices for such items for the Casual Dining/Fast Food Concession
- Mid-Term Refurbishment proposed capital investment (\$_____)

EXECUTION OF CASUAL DINING/FAST FOOD CONCESSION LEASE

The Lease must be signed and returned as part of the proposal. Proposers should sign the lease associated with their type of concept proposed. The format of the Lease is contained in Section IV of this proposal package. Following selection of a Proposer by the County's Board of Supervisors, the Lease will be signed by the Board upon notification from Airport staff that the County has received all items required by the Lease, including evidence of insurance and the security deposit.

COMMENCEMENT OF OPERATIONS

Target start date of operation of the Casual Dining/Fast Food Concession shall be November, 2011 or the date of beneficial occupancy.

CASUAL DINING/FAST FOOD CONCESSION LEASE SUMMARY

PM 1121-0345-0006, 6.1
John Wayne Airport

LEASE SUMMARY

Casual Dining/Fast Food Concession

LESSOR

County of Orange

TENANT

To be Determined

USE

Non-exclusive right to operate Casual Dining/Fast Food Concession

LEASED PREMISES

There is one Casual Dining/Fast Food Concession location, one located in Terminal C on the airside departure level containing approximately 2,600 square feet of retail space, with the approximate dimensions of 69.75'x 30'. Additionally, one storage location is located on the arrival level containing approximately 1,100. All locations are situated within the John Wayne Airport Thomas F. Riley Terminal Building at 18601 Airport Way, in the City of Santa Ana, County of Orange, State of California.

TERM

Approximately ten (10) years, commencing on November, 2011 or the date of beneficial occupancy and terminating ten years from the date of beneficial occupancy as stated on the Casual Dining/Fast Food Lease.

OPTION TO EXTEND TERM

Lessor may extend lease for a period of two (2) years at Lessor's sole discretion.

TERMINATION

Lessor or Tenant may terminate Lease with 90 days' written notice.

RENT

Tenant shall pay an annual minimum rent as proposed, adjusted to changes in the Consumer Price Index, or a minimum of the percentage of gross receipts for food and beverages and beer and wine as proposed, with annual adjustments based on changes in the Consumer Price Index.

REVISION OF RENTS

Minimum Annual Rent shall be adjusted annually based on the effective date of the Lease, by the Consumer Price Index (CPI) or 85% of the previous year's rent paid to Lessor, whichever is greater. In no case shall the minimum annual rent be decreased.

SECURITY DEPOSIT

In order to guarantee payment of all monies due Lessor, Tenant must provide Lessor with a security deposit in an amount equal to approximately four (4) times the estimated monthly rents, fees and charges and other payments. Lessor has the right to adjust the security deposit in the event of a change in operations or fees.

INSURANCE

Tenant agrees to purchase all required insurance at Tenant's expense and to deposit with Lessor certificates of insurance, including all endorsements required herein, necessary to satisfy Lessor that the insurance provisions of this Lease have been complied with and to keep such insurance coverage and the certificates and endorsements therefore on deposit with Lessor during the entire term of this Lease.

All insurance policies required by this Lease shall declare any deductible or self-insured retention (SIR) in an amount in excess of \$25,000 (\$5,000 for automobile liability), which shall specifically be approved by Lessor's County Executive Office (CEO)/Office of Risk Management. Tenant shall be responsible for reimbursement of any deductible to the insurer. Any self-insured retentions (SIRs) or deductibles shall be clearly stated on the certificate of insurance.

If the carrier is a non-admitted carrier in the state of California, CEO/Office of Risk Management retains the right to approve or reject carrier after a review of the company's performance and financial ratings.

<u>Coverage</u>	<u>Minimum Limits</u>
Comprehensive General Liability	\$1,000,000
Automobile Liability	\$1,000,000
Liquor Liability (If applicable)	\$5,000,000
Employer's Liability	\$1,000,000
Workers Comp.	Statutory Requirements
Property Insurance	90% of replacement costs for tenant's constructed improvements.

ASSIGNING, SUBLETTING AND EMCUMBERING

Assigning, subletting or encumbering is permitted only upon prior written approval by Lessor.

OPERATIONAL REQUIREMENTS

Tenant shall:

1. Conduct its operations in a first class manner satisfactory to Airport Director.
2. Cooperate with and not interfere with Lessor's and other tenant's use of and operations at the Airport.

RECORDS AND ACCOUNTS

Tenant shall provide Lessor within 90 days after the end of each accounting year, a statement of gross receipts audited by a Certified Public Accountant.

Lessor may audit Tenant's books and accounts at any and all reasonable times. Should the audit reveal a discrepancy of more than 2% between the rent due, and the rent due pursuant to the audit as report by Tenant. Tenant shall pay all audit costs.

III. PROPOSAL FORM



PROPOSAL

PM 1121-0345-0006, 6.1
John Wayne Airport
Casual Dining/Fast Food Concession

PROPOSER:

Name: _____

Address: _____

_____ Zip Code: _____

Telephone No: (____) _____ Fax No: (____) _____ E-mail: _____

THIS IS A PROPOSAL TO ACQUIRE A LEASE TO OPERATE A CASUAL DINING OR A FAST FOOD CONCESSION AT JOHN WAYNE AIRPORT.

The undersigned, hereinafter referred to as "PROPOSER", hereby submits a proposal to COUNTY OF ORANGE, hereinafter referred to as "COUNTY", to acquire a Lease to operate a Casual Dining/Fast Food Concession more fully described in the Lease (attached hereto and made a part hereof), in accordance with the terms, covenants and conditions contained in said Lease. Proposer shall sign and submit the lease associated with the proposed concept: Casual Dining or Fast Food.

PROPOSER shall pay to County as rent under the Lease the minimum annual guarantee proposed or the percentage of gross receipts as set forth in the Lease*, whichever is greater, as set forth below:

FEES PROPOSED

Proposed Rent

Minimum Annual Guarantee: \$_____ In Words: _____

Food and Beverage

Percentage of Gross Receipts: _____% In Words: _____

Beer and Wine

Percentage of Gross Receipts: _____% In Words: _____

The minimum annual guarantee that may be proposed is \$250,000.

The minimum percentage of gross receipts that may be proposed is fixed by category at 14% for food and non-alcoholic beverages and 18% for beer and wine.

PROPOSER understands, agrees, and warrants that:

1. PROPOSER has carefully read and fully understands this proposal and the Lease both of which are attached hereto.
2. Said Lease is an integral part of this proposal and must be attached hereto and submitted herewith.
3. PROPOSER has the capability and legal capacity to successfully undertake and complete the responsibilities and obligations of Tenant contained in said Lease

4. A PROPOSER'S deposit in the sum of Ten Thousand Dollars (\$10,000) in the form of a Cashier's Check made payable to County of Orange/John Wayne Airport or confirmation of a wire transfer of funds to County of Orange/John Wayne Airport must be submitted with this proposal and is attached hereto.

SAID SUM WILL BE HELD BY COUNTY AS A PROPOSAL GUARANTEE, SECURING THE OBLIGATIONS PROPOSER AGREES TO ASSUME IN THIS PROPOSAL. IN THE EVENT ALL PROPOSALS ARE REJECTED, PROPOSER'S DEPOSITS WILL BE RETURNED. IF THIS PROPOSAL IS ACCEPTED BY COUNTY AND PROPOSER FAILS TO MEET THE TERMS HEREOF, PROPOSER AGREES THAT SAID SUM REPRESENTS A FAIR AND REASONABLE ESTIMATE OF COUNTY'S COST IN PREPARING AND SOLICITING THIS OFFERING, AND PROPOSER FURTHER AGREES THAT SAID SUM SHALL BE RETAINED BY COUNTY AS COMPENSATION FOR SAID COSTS. THE SUCCESSFUL PROPOSER'S DEPOSIT SHALL BE RETAINED UNTIL THE LEASE HAS BEEN EXECUTED AND APPLIED TO THE FIRST MONTHS RENT. UPON EXECUTION OF THE LEASE, UNSUCCESSFUL PROPOSER'S DEPOSITS WILL BE RETURNED.

5. This proposal may be withdrawn by written request at any time prior to the time set for opening the proposals for the Casual Dining/Fast Food concession but may not be withdrawn after the time set for such opening. Such written requests must be received by the COUNTY prior to the time set for the opening of the proposal.
6. Within five (5) business days after notification of the acceptance of this proposal by COUNTY, if requested by COUNTY, PROPOSER shall execute additional copies of said Lease and deliver to COUNTY the executed copies of said Lease.
7. PROPOSER has fully completed the PROPOSER'S Questionnaire, and attached the completed questionnaire hereto. The PROPOSER'S Questionnaire is made a part hereof together with all supplemental material required therein.
8. All information provided by PROPOSER herein becomes the property of the COUNTY and may be considered public information and, as such, may be available to the general public.
9. By submission of this Proposal, the PROPOSER acknowledges and agrees that the COUNTY has the right to make any inquiry or investigation it deems appropriate to substantiate or supplement information contained in this questionnaire, and authorizes the release to COUNTY of any and all information, including credit data, sought in such inquiry or investigation.
10. All the information contained in or supplementing said questionnaire is true and correct to the best of PROPOSER's knowledge.
11. COUNTY reserves the right to reject any or all proposals, to waive information in any proposal received, and to accept that proposal which will, in its opinion, best serve the public interest.

PROPOSER

By _____
(Signature)

By _____
(Signature)

Attachments

Attachments to the proposal include the following which must be returned with the proposal:

- [] 1. One (1) Original Proposal (signed) plus fifteen (15) full copies. (Please identify "Original" as such). The proposal must include:
 - [] a. Table of Contents and Proposal tabbed (according to categories shown under "RATING CRITERIA FOR PROPOSER")
 - [] b. Signed Proposer's Questionnaire (including attachments)
 - [] c. Signed Lease for Casual Dining or Fast Food Concession contained in Section IV, Addenda
- [] 2. Proposer's deposit in the amount of Ten Thousand Dollars (\$10,000) in the form of a:
 - a. Cashier's Check payable to County of Orange/John Wayne Airport, or
 - b. Confirmation of a wire transfer of funds to the County of Orange/John Wayne Airport

PROPOSER'S QUESTIONNAIRE

All information requested in this Questionnaire MUST be furnished by the Proposer, and MUST be submitted with the proposal. Statements must be complete and accurate. Omission, inaccuracy, or misstatement may be cause for rejection of a proposal.

PROPOSER

1. Name of Proposer exactly as it appears on the proposal and as it will appear on the Lease:

2. Federal Tax ID Number (If Applicable): _____

3. Address of Proposer for purposes of notice or other communication relating to the Proposal:

A. Corporate Contact: _____

Address: _____

Telephone number: (____) _____ Fax number (____) _____

E-mail Address: _____

B. Local Contact: _____

Address: _____

Telephone number: (____) _____ Fax number (____) _____

E-mail Address: _____

4. Proposer intends to operate the business with which this proposal is concerned as a
Sole Proprietorship []; Partnership []; Corporation []; Joint Venture []; LLC []; or

Explain:

SOLE PROPRIETORSHIP STATEMENT

If a Sole Proprietorship, furnish the following:

1. Name in full: _____
2. Residence Address: _____
_____ Zip Code: _____
3. Business Address: _____
_____ Zip Code: _____
4. Birth Date: _____ Place of Birth: _____

PARTNERSHIP STATEMENT

If a Partnership, answer the following:

1. Date of Organization: _____

2. ☐ General Partnership
☐ Limited Partnership

3. Yes ☐ No ☐ Statement of Partnership recorded?

Date	Book	Page	County
------	------	------	--------

4. Yes ☐ No ☐ Has the Partnership done business in Orange County?

When? _____

Name, address, and partnership share of each general partner:

	<u>Name</u>	<u>Residence Address</u>	<u>Share</u>
A.	_____	_____	_____
B.	_____	_____	_____
C.	_____	_____	_____
D.	_____	_____	_____

5. **Attach a complete copy of the Statement of Partnership and the Partnership Agreement.**

6. Furnish the birth date and place of birth for each person shown under Item 4 above.

	<u>Birth Date</u>	<u>Place of Birth</u>
A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____

LIMITED LIABILITY COMPANY STATEMENT

1. Provide an organizational chart for the LLC and a diagram showing its relationship to any other related corporations, limited liability companies or related organizations.
2. Furnish the information as shown below for the Corporation Statement as appropriate for a limited liability company including when and where formed, the number of voting units, non-voting units, and number of unit holders. Include the requested information regarding each manager, managing member and principal unit holder.
3. Provide copy of LLC Membership agreement.

CORPORATION STATEMENT

If a Corporation, answer the following:

1. When incorporated? _____
2. Where incorporated? _____
3. Yes [☐] No [☐] Is the Corporation authorized to do business in California?
If so, as of what date? _____
4. The Corporation is held: Publicly [☐] Privately [☐]
5. If publicly held, how and where is the stock traded?

6. List the following:

	<u>Authorized</u>	<u>Issued</u>	<u>Outstanding</u>
a. Number of voting shares:	_____	_____	_____
b. Number of nonvoting shares:	_____	_____	_____
c. Number of shareholders:	_____	_____	_____
d. Value per share of common stock:	_____	_____	_____
Par	\$ _____		
Book	\$ _____		
Market	\$ _____		

CORPORATION STATEMENT (continued)

7. Furnish the name, title, residence address, and the number of voting and nonvoting shares of stock held by each officer, director, and principal shareholder.

<u>Name</u>	<u>Title</u>	<u>Residence Address</u>	<u>Voting</u>	<u>Nonvoting</u>
A. _____	_____	_____	_____	_____
B. _____	_____	_____	_____	_____
C. _____	_____	_____	_____	_____
D. _____	_____	_____	_____	_____

8. Furnish the birth date and place of birth for each person shown under Item 7 above.

	<u>Birth Date</u>	<u>Place of Birth</u>
A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____

9. **Furnish Corporate Resolution indicating parties authorized to contract on behalf of the Corporation. Corporate Resolution must contain Corporate seal and be certified by the Secretary of the Corporation.**

10. Affiliation with Other Corporations. Have the principals of the proposing corporation been part of any other corporations as corporate officers, holders of 51% or more of the stock or directors within the last five (5) years? If so, furnish name of principal as listed with other corporations, name of the other corporation including any dba names, the date of incorporation, position and percentage of stocks held.

<u>Principal</u>	<u>Name of Corporation</u>	<u>Date of Incorporation</u>	<u>Percentage of Stock and/or Position Held</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

JOINT VENTURE STATEMENT

If a Joint Venture, answer the following:

1. Date of Organization _____
2. Yes [] No [] Joint Venture Agreement recorded?
3. Yes [] No [] Has the Joint Venture done business in Orange County?
When? _____

4. Name and address of each Joint Venturer:

	<u>Name</u>	<u>Address</u>
A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____

5. Furnish the birth date and place of birth for each person shown under Item 4 above.

	<u>Birth Date</u>	<u>Place of Birth</u>
A.	_____	_____
B.	_____	_____
C.	_____	_____
D.	_____	_____

6. Attach a complete copy of the Joint Venture Agreement.

EXPERIENCE AND QUALIFICATIONS

Relevant Experience

Enumerate in detail the duration and extent of your business experience with special emphasis upon experience with the operation and management of a Casual Dining/Fast Food concession at an airport or other high customer traffic and high volume environment. Also, give information on the pertinent experience of the persons who will be directly involved in the management of this concession. A minimum of five (5) years experience in successfully operating and managing a Casual Dining/Fast Food concession with substantial customer traffic is required.

Include information on previous or current locations operated.

Attach additional sheets if extra space is required.

References

List four (4) persons or firms for whom you have operated a Casual Dining/Fast Food concession within the last five (5) years. Attach additional sheets if necessary.

REFERENCE No. 1

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Nature and magnitude of operation:

REFERENCE No. 2

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Nature and magnitude of operation:

References

REFERENCE No. 3

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: (____) _____ Fax Number: (____) _____

Nature and magnitude of operation:

REFERENCE No. 4

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: (____) _____ Fax Number: (____) _____

Nature and magnitude of operation:

References

List two (2) persons or firms who have knowledge of your debt payment history.
Attach additional sheets if necessary.

REFERENCE No. 1

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Nature and magnitude of operation:

REFERENCE No. 2

Name: _____

Title: _____

Firm: _____

Address: _____

_____ Zip: _____

Telephone Number: () _____ Fax Number: () _____

Nature and magnitude of operation:

FINANCIAL VIABILITY AND BACKGROUND DATA

FINANCIAL STATEMENTS

Attach financial statements, prepared in accordance with generally accepted accounting principles, reflecting your current financial condition. The financial statements must include a balance sheet and income statement for the last two (2) fiscal years, prepared by an independent Certified Public Accountant. If you submit reviewed or compiled financial statements, the information will be considered unverified and more weight will be given to audited statements.

SURETY INFORMATION

Yes [☐] No [☐] Has any principal of the company ever had a bond or surety canceled or forfeited?

If yes, attach a statement naming the bonding company, date, amount of bond, and reason for such cancellation or forfeiture.

BANKRUPTCY INFORMATION

Yes [☐] No [☐] Has the company, or any principal of the company, or any company with which a principal has been involved, ever filed bankruptcy proceedings?

If yes, state the date, Chapter number, jurisdiction, amount of liabilities, amount of assets, and disposition of the proceedings.

FELONY INFORMATION

Yes [☐] No [☐] Has any principal of the company ever been convicted of a felony?

If yes, state date, court location, and details of the conviction.

NOTE: Failure to disclose all relevant information shall be grounds for disqualification of a Proposer.

PRO FORMA INCOME STATEMENT

Five-Year Pro Forma Income Statement

Provide a detailed Pro Forma income statement reflecting the revenue and expenses related to the County of Orange/John Wayne Airport Casual Dining/Fast Food Concession for each year of the Lease (10 years). The Pro Forma income statement will be evaluated with respect to its ability to support the proposed rent and the proposed capital investment. The statements should be prepared in accordance with generally accepted accounting principles.

Revenue should be broken down into two (2) major categories: a) Food and Beverage; b) Beer and Wine. Revenue should reflect anticipated gross receipts received from all revenue categories.

Expenses should detail each item of expense, including but not limited to salaries and benefits, marketing, maintenance, insurance, debt service, etc. Specific details should be given regarding what is included in the categories "general and administrative expenses" and "other expenses". Expenses should also include the proposed rent to be paid to the County of Orange/John Wayne Airport, by location and product category.

Please provide any other financial information that you feel will be helpful in evaluating your ability to successfully operate a Casual Dining/Fast Food Concession at John Wayne Airport.

Attach additional sheets if necessary.

PROPOSED MENU/PRICING AND IMPROVEMENTS

Attach additional sheets as necessary.

1. Provide a list of menu items that you propose to offer for sale and the proposed prices for such items.
2. Provide Proposed Mid-Term Refurbishment. Include proposed capital investment.

CONSTRUCTION OF CASUAL DINING/FAST FOOD CONCESSION

1. Provide a floor plan and rendering that shows the proposed design for your Casual Dining or Fast Food concession including signage in the Thomas F. Riley Terminal as well as any modifications or new construction you intend to make to the existing location. Include any plumbing and electrical requirements as well as any dedicated telephone lines required. The successful Proposer will be required, within 60 days of completion of any construction, to provide "As Built Drawings" (both CAD diskette and Blue Lines). You should advise your architect as soon as possible of this important requirement for the concession location.
2. Provide Improvement Plan for Casual Dining/Fast Food Concession, including rendering or description of any improvements and/or signage you propose to make to the Leased Premises. Include proposed capital investment.
3. Supply a detailed estimate of the construction costs of the proposed improvements. Identify design costs and trade fixture costs. (This amount will be used as the minimum cost of improvements in the Lease.)
4. Provide a Construction and phasing plan for the construction of the Casual Dining or Fast Food Concession location.
5. Provide a Construction Completion and Open for Business Schedule for the Casual Dining/Fast Food Concession location in the Thomas F. Riley Terminal.

AIRPORT CONCESSION DISADVANTAGED BUSINESS ENTERPRISE (ACDBE) PARTICIPATION

Requirements of 49 CFR Part 23, Disadvantaged Business Enterprise Program

- A. **Policy** - It is the policy of the John Wayne Airport under the direction of its governing body, the Orange County Board of Supervisors, to promote the objectives of the Department of Transportation with respect to the participation of Airport Concession Disadvantaged Business Enterprises (ACDBEs) in DOT-assisted contracts. This policy has been formulated to comply with 49 CFR Part 23. The objectives of the program are as follows:
- (a) To ensure nondiscrimination in the award and administration of contracts;
 - (b) To create a level playing field on which ACDBEs can compete fairly for contracts;
 - (c) To ensure that the ACDBE program is narrowly tailored in accordance with applicable law;
 - (d) To ensure that only firms that fully meet DOT eligibility standards are permitted to participate as ACDBEs;
 - (e) To help remove barriers to the participation of ACDBEs in contracts;
 - (f) To assist the development of firms that can compete successfully in the marketplace outside the ACDBE program; and
 - (g) To provide appropriate flexibility in establishing and providing opportunities for ACDBEs.
- B. **ACDBE Goal** - John Wayne Airport has not established An ACDBE contract goal for this opportunity but has established a race-neutral goal of 13.7% for food/beverage for the airport's Casual Dining/Fast Food concession operations and encourages participation by firms owned and controlled by socially and economically disadvantaged persons.
- C. **Proposal Requirements** - Proposers who include ACDBE participants are asked to submit the following information regarding intended participation by ACDBEs:
- 1. The names and addresses of ACDBE firms that will participate in the contract.
 - 2. A description of the work that each ACDBE will perform.
3. The dollar amount of participation by each named ACDBE firm listed in the proposal must be certified by the California Unified Certification Program (CUCP). In order to be certified by the CUCP, DBE firms must meet eligibility criteria as established by 49 CFR parts 23 and 26. Proposers are required to provide proof of certification for all DBE firms listed in the proposal at the time proposals are submitted.
- Firms wishing to be certified as a DBE and who are not currently certified by the CUCP must complete a certification application. To obtain an application, please visit the CUCP website at http://dot.ca.gov/hq/bep/downloads/pdf/ACDBE_UCP_APPLICATION_PACKAGE_REV_04.14.09.pdf.
- Please allow sufficient time for the processing of the Certification Application. Contact the local certifying agency as instructed by the website to determine the length of time required for processing.
- D. **Reporting Requirements** – The successful Proposer shall provide all information and reports required by the Airport and shall permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the Airport to be pertinent to ascertain compliance with the regulations or directives

OTHER INFORMATION

Please provide any other information that you feel will be helpful in evaluating your ability to successfully operate a Casual Dining or a Fast Food Concession at John Wayne Airport.

IV. ADDENDA



EXHIBIT A

HISTORICAL ENPLANED PASSENGER COUNTS FOR COMMERCIAL AND COMMUTER AIRLINES

Commercial Airlines

Airline	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
Alaska	416,706	467,250	462,196	518,435	530,585	569,483	585,688	570,982	562,892	379,240
Aloha	-	9,557	75,750	82,556	137,147	145,194	169,574	164,555	119,413	-
America West	478,057	472,879	467,921	404,660	419,390	416,597	465,608	468,521	-	-
American	890,413	860,344	745,086	719,611	682,490	671,419	681,060	735,121	722,305	618,045
Continental	196,236	199,048	190,380	194,916	225,341	248,514	270,895	286,553	294,187	280,839
Delta	325,553	319,848	304,300	338,511	372,682	417,672	363,361	343,966	338,519	375,060
Frontier	-	-	-	-	66,678	86,280	93,308	103,025	146,412	141,110
Mesa	-	-	-	-	25,118	69,550	38,346	38,685	32,463	28,634
Midwest	-	-	-	-	22,380	21,690	-	-	-	-
Northwest	161,092	145,514	140,255	147,080	148,331	150,155	126,479	108,833	104,636	110,741
Reno Air	95,101	-	-	-	-	-	-	-	-	-
Southwest	465,511	490,145	647,158	856,631	1,022,268	1,109,199	1,169,368	1,343,830	1,305,570	1,308,543
Transworld	106,788	109,471	38,298	-	-	-	-	-	-	-
United	627,888	590,768	507,268	538,224	585,622	609,371	575,351	566,620	516,946	437,292
US Airways	63,940	68,386	72,376	66,169	12,101	-	-	-	422,175	359,471
Virgin America	-	-	-	-	-	-	-	-	-	15,796
Totals:	3,827,285	3,733,210	3,650,988	3,866,793	4,250,133	4,515,124	4,539,038	4,730,691	4,565,518	4,054,771

Commuter Airlines

Airline	1999-2000	2000-2001	2001-2002	2002-2003	2003-2004	2004-2005	2005-2006	2006-2007	2007-2008	2008-2009
American Eagle	-	-	-	74,592	128,827	126,544	159,902	119,256	120,244	128,086
Atlantic Southeast	-	-	-	-	41,605	40,008	7,423	-	-	-
Mesa	-	-	165	44,017	27,513	-	-	-	-	-
Skywest	79,229	80,329	62,084	56,885	74,920	88,547	102,280	106,578	94,725	86,538
Totals:	79,229	80,329	62,249	175,494	272,865	255,099	269,605	225,834	214,969	214,624

EXHIBIT B - PROPOSED AIRLINE LOCATIONS TERMINAL A, B AND C

TERMINAL A	American Airlines	Alaska Airlines	Delta Airlines	New Entrant
TERMINAL B	United Airlines	US Airways	Continental Airlines	New Entrant
TERMINAL C	Southwest Airlines	Virgin America	Frontier Airlines	New Entrant

The terminal location for Commuter Airlines has not yet been determined by the Airport. The Airport is constructing two commuter terminals which will be located in Terminal A and C.

The proposed airline locations listed above for Terminals A, B and C are subject to change.

EXHIBIT C – PROPOSER’S CHECKLIST

All proposals must be submitted in a sealed envelope on or before 2:00 p.m. on Wednesday, August 4, 2010.

Deliver proposals to: County of Orange/John Wayne Airport
Eddie Martin Administration Building
3160 Airway Avenue
Costa Mesa, CA 92626

Label proposals: SEALED PROPOSAL FOR:
Casual Dining/Fast Food Concession
John Wayne Airport
PM 1121-0345-0006

Sixteen (16) full sets of each proposal must be submitted using copies of forms provided by the County of Orange, John Wayne Airport, and must include:

- [] 1. One (1) Original Proposal (signed) plus fifteen (15) full copies. (Please identify “Original” as such). The proposal must include:
 - [] a. Table of Contents and Proposal tabbed (according to categories shown under “RATING CRITERIA FOR PROPOSERS”)
 - [] b. Signed Proposer’s Questionnaire (including attachments)
 - [] c. Signed Lease for a Casual Dining or a Fast Food Concession contained in Section IV, Addenda
- [] 2. Proposer’s Deposit in the amount of Ten Thousand Dollars (\$10,000) in the form of a:
 - a. Cashier’s Check payable to County of Orange/John Wayne Airport, or
 - b. Confirmation of a wire transfer of funds to County of Orange/John Wayne Airport

Each proposal must be accompanied by a completed Proposer’s Questionnaire. All information requested in the Questionnaire must be furnished by the Proposer. Statements must be complete, accurate, verifiable, and in the form requested. Omission, inaccuracy, misstatement, or failure to file the Questionnaire with the proposal shall be cause for rejection of the proposal.

ADDITIONAL INFORMATION

For additional information please contact:

John Wayne Airport
3160 Airway Avenue
Costa Mesa, CA 92626
Attn: Jessica Dixon
JWA/Business Development
Telephone: (949) 252-5228
Fax: (949) 252-5225
E-mail: jdixon@ocair.com

All questions are encouraged to be submitted via e-mail by Monday, May 24, 2010.

EXHIBIT D – PROPOSAL EVALUATION FORM

Rating Scores

1 = Poor 2 = Below Average 3 = Average 4 = Above Average 5 = Excellent

A. FEES PROPOSED	
• Minimum Annual Guarantee Proposed • Percentage of Gross Receipts for food and beverage • Percentage of Gross Receipts for Beer and Wine • 5-Year Pro Forma Income Statement	
Comments:	
	Score for this criteria: 0 1 2 3 4 5

B. EXPERIENCE AND QUALIFICATIONS	
• Relevant Experience • References	
Comments:	
	Score for this criteria: 0 1 2 3 4 5

C. FINANCIAL VIABILITY AND BACKGROUND DATA	
• Audited/Unaudited Balance Sheet & Income Statement (for the last two fiscal years, prepared by a Certified Public Accountant) • Pending Litigation • Bankruptcy	
Comments: 	
Score for this criteria: 0 1 2 3 4 5	

D. PROPOSED MENU/PRICING AND IMPROVEMENTS	
• Improvement Plan for Casual Dining/Fast Food Concession, including rendering or description of any improvements and/or signage proposed. Include proposed capital investment. • Provide a list of menu items to be offered for sale and the proposed prices for such items for the Casual Dining/Fast Food Concession • Proposed Mid-Term Refurbishment	
Comments: 	
Score for this criteria: 0 1 2 3 4 5	

RATING SUMMARY

<u>CRITERIA</u>	<u>RATING SCORE</u>	<u>TOTAL</u>
RENT PROPOSED (MAG AND PERCENTAGE RENTS TO AIRPORT)	25 X _____ =	_____
EXPERIENCE AND QUALIFICATIONS	20X _____ =	_____
FINANCIAL VIABILITY AND BACKGROUND DATA	20 X _____ =	_____
PROPOSED MENU, PRICING AND IMPROVEMENTS	35 X _____ =	_____
	TOTAL	100
	GRAND TOTAL	=====
		(500 Possible)

Signature

Date