

## **Questions Regarding Bear Creek Stables New Concessionaire**

**I have heard that the selection process violated the law. Is that true?** In selecting a concessionaire for Bear Creek Stables, the Midpeninsula Regional Open Space District (Midpen) followed a legal and robust Request for Proposals (RFP) solicitation process, as set forth in the Board Purchasing Policy. Professional services contract bidding is discretionary and not subject to the lowest bidder requirements. While local agency contracts for construction of public works are awarded to the lowest responsive, responsible bidder through a competitive bidding process, contracts for a variety of other purposes, such as professional services and disposition of property, are awarded to the successful proposer through a discretionary proposal process. As part of this process, interested parties submit proposals that are evaluated by the local agency and are used to negotiate with the winning proposer.

For the Bear Creek Stables concessionaire agreement, a comprehensive, three-stage process was used to identify the most qualified concessionaire for Bear Creek Stables that would best meet Midpen's objectives for operation of the facility. Prior to the release of the RFP, the Midpen Board of Directors, in open session, adopted scoring criteria for stables proposals. During the evaluation period of the selection process, the selection panel applied these criteria in evaluating the proposals. All of this information is clearly documented in the Board agenda report for August 24, 2022 and was presented to the public and the Board.

**Did Chaparral's proposal meet all requirements listed in the RFP?** Three proposals met the requirements listed in the RFP. As is common in this type of RFP process, proposals are used as a starting point for interviewing candidates and negotiating a final agreement. The resulting Concessionaire Agreement is the enforceable contract entered into between Midpen and the concessionaire. It clearly sets forth Midpen's objectives and rules for the operation of the stables, and Chaparral must comply with the Concessionaire Agreement.

**Why has it taken so long to release information regarding the transition plan?** With all such transitions, it takes time to ensure that the new concessionaire agrees to and can comply with the deal terms of the agreement. Midpen and Chaparral have a signed agreement and Chaparral will assume management responsibilities at Bear Creek Stables on January 1, 2023.

**What is the status of the agreement with current operator?** Per the terms of the agreement with the current operator, Midpen has terminated the month-to-month agreement which will be effective on December 31<sup>st</sup>, 2022.

**When will the change of management occur?** Chaparral Corporation will provide feed and services starting January 1<sup>st</sup>, 2023.

**Will current tenants have the opportunity to sign new boarder agreements with Chaparral? When will new boarder agreements need to be signed?** Current tenants will need to update their information and sign a new boarding agreement with Chaparral by December 5, 2022. Failing to sign and return a signed boarder agreement to Chaparral will be interpreted as intent to leave the Bear Creek Stables. Boarders who have not entered into a new agreement by that deadline will need to remove their horse(s) and vacate the property on or before December 31, 2022.

**How will horse boarding change with Chaparral?** The Midpen agreement with Chaparral includes stall cleaning daily and feeding two times per day. Chaparral is expected to accommodate horse needs for special diets, which may result in additional cost.

**Will my current stall be changed?** There are no immediate plans to change stalls and stall replacements are not part of the initial repair plan for the stables. There are stalls in the lower area that will need to be relocated/replaced to the upper area before stable repair plans begin to make room for the leach field to accommodate new public restrooms. As part of the repair plan, the upper arena paddocks along the steep hill edge above the stream bed may have the outer edge of enclosure reduced in depth several feet to prevent run-off and improve drainage.

**Are horse barns planned for the future of Bear Creek Stables?** There are no plans to replace individual paddocks with horse barns.

**What is the boarding rate?** As of January 1, the new rate is estimated to be about \$600, depending upon the paddock. Rates will adjust annually subject to Midpen's review.

**I like my current trainer. Will I be able to continue with them?** Trainers and instructors that are working with individual boarders have an opportunity to continue with Chaparral and can provide training and instruction to a maximum of five boarded horses. Instructors other than those directly hired by Chaparral to provide public training and instruction, may not give instruction to anyone that does not have a boarding agreement with Chaparral for boarding a horse at Bear Creek Stables. Trainers and instructors will need to sign an agreement with Chaparral and provide insurance and other documentation prior to continuing training for boarded horses.

**I like the pony coop. Will it continue?** Midpen and Chaparral will collaborate with boarders running the pony coop to see how the program can continue.

**Will goats be allowed under Chaparral's management?** Animals other than horses require written permission from Midpen. Midpen staff has discussed the issue with Chaparral and both parties are interested in having goats on site in the future.

**Are the lesson programs going away or being reduced?** Chaparral has the ability and staffing to provide lessons in English and Western styles.

**Will I be able to continue leasing horses from the operator?** Under the concessionaire agreement leasing a horse from the operator is not allowed. This practice is a breach of agreement and has never been allowed under any stables lease with Midpen. If an individual wants to lease a horse from a private party, that is between the two parties involved. An individual may board a leased horse at BCS with a signed boarding agreement with Chaparral.

**Will the upper arena be removed and replaced with a parking lot?** There is no plan to reduce or remove the upper arena and replace with a parking lot. The current arena panels are owned by the current operator, who may choose to remove them. If this occurs, Midpen will replace the panels.

**Will the stables have an evening caretaker?** Yes, Chaparral will place an evening caretaker on-site within 30 days of the start of the contract.

**Where will the hay supply come from?** Chaparral has hay resources and suppliers in Oregon and Washington. They have currently been securing several months of hay deliveries in anticipation of taking over operation on January 1, 2023.

**Will the ADA restroom remain?** Yes, a temporary restroom will continue to be on site until the new restroom building is constructed and operational.

**What if I have additional questions regarding the transition plan or stable related items?** Please forward your questions to [PM@openspace.org](mailto:PM@openspace.org).

Sincerely,

Midpeninsula Regional Open Space District