

**RESPONSES TO QUESTIONS RECEIVED PRIOR TO THE QUESTION CUT-OFF DATE:
RIVER TUBE LICENSE AT DELAWARE & RARITAN CANAL STATE PARK**

- 1. Question 1.** In reference to Part 1, Scope of License A & B;
 - a. Part A.** How will the Department ensure that only the grantee of the river tube concession is the sole operator of a river tube business at the access points?
 - b. Part B.** What is the Departments's plan to stop an unauthorized business from operating a river tube business at the stated locations?

RESPONSE TO QUESTION 1A & 1B above: As stated in 1A Scope of the Bid Specifications, the Licensee shall, under a License Agreement (“Agreement”), be granted the exclusive right to rent tubes, deliver and pick up customers at two (2) Department-designated delivery and pick up areas within the Delaware and Raritan Canal State Park and oversee launching into and out of the river at two (2) Department-designated areas within the Delaware and Raritan Canal State Park for recreational floating down the Delaware River (hereinafter referred to as the “License Operation”). The License Operation is intended to be an exclusive right provided by the Department of Environmental Protection (“DEP”) to the selected Licensee to conduct a commercial tubing operation within the Delaware and Raritan Canal State Park. The Department will enforce and is obligated to ensure the successful Licensee’s contractual right to the License Operation.

In addition, in 2019, the DEP filed a series of complaints against an unauthorized river tube business for violations of State Park regulations that prohibit unauthorized commercial activity in the D&R Canal State Park. The DEP was successful in obtaining a judgment at trial against the company, confirming the DEP’s right to regulate commercial activity within the Park, including at the tubing intake and outtake areas. The DEP will take all appropriate law enforcement and legal action to protect the exclusive use of the Licensee. DEP will also continue to work with the NJ State Police and local law enforcement to address inappropriate parking on the shoulder of roads adjacent to State Park Lands and other issues as they arise.

Further, the DEP has obtained all necessary permits to install temporary stairs on the banks of the Delaware River for use by the general public and the Licensee to ensure public safety and protection of the river embankment and sensitive natural areas. This year, the DEP will provide an additional area within the Park designated for the Licensee’s exclusive use, which will reduce traffic impacts on local roads, improve the efficiency of tubing operations, and ensure a safe and secure parking area for the Licensee’s customers. The Licensee will be authorized

to install a lock on an existing gate to control access to the premise as depicted in Exhibit B of the Bid Specifications, designated for River Tube Rental Operations, Storage, Onsite Administration Area, Employee Parking and Customer Parking. The additional dedicated space within the park will also eliminate the need to temporarily store tubes and other equipment on the D&R Canal multipurpose trail, reducing congestion on the trail.

- 2. Question 2.** We believe we understand the per person/tube charge, the question is "on top of the per tube fee, is the annual fee the amount of the Bid that we make"?

RESPONSE: The Annual Fee will be the amount submitted by bidder equal to or greater than the minimum *Five Thousand (\$5,000.00) Dollars* established by the DEP. The Final Adjusted Payment shall be the difference between the Total Compensation (Per-Person Rate x Number of Persons Renting Tubes = Total Compensation) and the Minimum Annual Fee (Total Compensation less the Minimum Annual Fee = Final Adjusted Payment).

- 3. Question 3.** What assurance is provided by the DEP, or other participating State or local agency, that another Tubing operation (without a contract with the DEP) will, (as we have observed for the past two Summers) not operate on the same designated areas?

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