



## THE COUNTY OF GALVESTON

RUFUS CROWDER, CPPO CPPB  
PURCHASING AGENT

ERIN QUIROGA, MBA, CPPB  
ASSISTANT PURCHASING AGENT

COUNTY COURTHOUSE  
722 Moody (21<sup>st</sup> Street)  
Fifth (5<sup>th</sup>) Floor  
Galveston, Texas 77550  
(409) 770-5371

November 9, 2023

**PROJECT NAME:** Bolivar Beach Vending Program  
**SOLICITATION NO:** RFP #B241007  
**RE:** ADDENDUM #1

To All Prospective Proposers:

The following information is being provided to aid in the preparation of your RFP submittal(s):

**Documentation:**

**All prior RFP solicitation documents (General Provisions, Special Provisions, required forms checklist, etc.) made available or issued to prospective vendors prior to the issuance of this addendum shall be disregarded in their entirety.**

The documents included herein and listed below shall constitute the County's Request for Proposals for RFP #B241007, Bolivar Beach Vending Program, the regulations and supplemental provisions controlling RFP #B241007, and the materials to be used for the submission of a response to RFP #B241007:

- Request for Proposals and Special Provisions Supplement (Pages 1-9)
- Response To Request for Proposals-Bolivar Peninsula Beach Vending Permit *(to be returned with submittal)*
  - Application For Permit - (Pages 1-3)
  - Business Proposal – (Pages 1-3)
  - Certification of Respondent
  - Certification of Criminal History
  - Checklist for RFP Response Materials
- Summary of Requirements
- Beach Vending Regulations – (Pages 1-20)

**Procurement Timeline:**

The Submission Deadline / RFP Opening remains the same and is listed below:

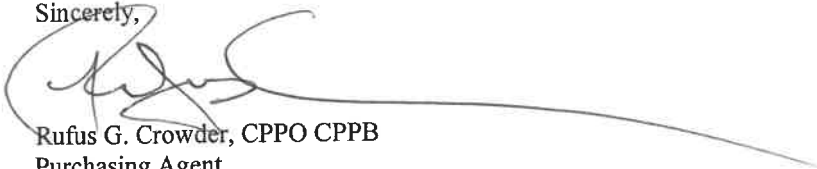
Advertise RFP (first date of publication)	Friday, October 27, 2023
Advertise RFP (second date of publication)	Friday, November 3, 2023
Pre-Proposal Conference	Wednesday, November 8, 2023, at 10:00 a.m.
<b>Deadline for Questions &amp; Inquiries</b>	<b>Friday, November 17, 2023, by 5:00 p.m. CST</b>
<b>Submission Deadline / RFP Opening</b>	<b>Thursday, January 4, 2024 at 2:00 p.m. CST</b>

If you have any further questions regarding this bid, please address them to the representative listed below, via e-mail at [purchasing.bids@co.galveston.tx.us](mailto:purchasing.bids@co.galveston.tx.us), or contact the Purchasing Department at (409) 770-5371.

Rufus G. Crowder, CPPO CPPB  
Galveston County Purchasing Agent  
722 Moody, Fifth (5<sup>th</sup>) Floor  
Galveston, Texas 77550  
E-mail: [purchasing.bids@co.galveston.tx.us](mailto:purchasing.bids@co.galveston.tx.us)

Please excuse us for any inconvenience that this may have caused.

Sincerely,



Rufus G. Crowder, CPPO CPPB  
Purchasing Agent  
Galveston County

## SUMMARY OF REQUIREMENTS

### **Galveston County Beach Vending Regulations**

This document provides a summary of the Galveston County Beach Vending Regulations only and does not contain all the information that is required of those using the beaches subject to the Galveston County Beach Vending Regulations.

1. It is unlawful to operate a business establishment, or otherwise sell items or commodities, on a public beach in Galveston County without a valid beach vending permit.
2. Permits will not be issued to business establishments located at a fixed or permanent location on a public beach. All business establishments must be mobile.
3. Anyone interested in obtaining a beach vending permit must submit a complete and timely response to the Galveston County's Request for Proposals in order to be considered for selection.
4. Galveston County has designated vending zones, for which all but certain vendors must operate from. The designated vending zones are the Crystal Beach Zone, North Beach Zone, and South Beach Zone.
5. Any unselected scored response that is otherwise eligible may be placed on a waitlist for the desired category and zone.
6. A vendor may not sell or distribute glass containers or any commodity in a glass container. Persons who violate this prohibition shall have their beach vending permit immediately terminated and revoked.
7. A vendor may not conduct business between the hours of sunset and sunrise unless otherwise approved by the Department of Parks and Cultural Services and the alternate hours of operation are reflected on the vendor's permit.
8. The failure or refusal of the permittee to comply with the terms and conditions of a permit shall operate as an immediate termination and revocation of all rights conferred in or claimed under the permit.
9. Permittees may appeal any termination and revocation of its permit.
10. All permittees and vendors must comply with the Galveston County Beach Vending Regulations.

# BEACH VENDING REGULATIONS

## Galveston County, Texas

### SECTION 1. INTRODUCTION.

- 1.1 These rules establish a system for the issuance of beach vending permits which authorize a vendor to sell or lease a commodity on public beaches that are not within the boundaries of a state park or an incorporated city in Galveston County, Texas.
- 1.2 These rules do not apply to a public beach that is within the boundaries of a state park designated by the Texas Parks and Wildlife Department or to a remote beach on any island or peninsula which is not accessible by public road or common carrier ferry facility as long as that condition exists.

### SECTION 2. AUTHORITY.

- 2.1 These rules are promulgated pursuant to and in conformity with Subchapter E, Chapter 61, Texas Natural Resources Code, and have been adopted by the Galveston County Commissioners Court under the authority provided therein.
- 2.2 In addition to other standards provided in Subchapter E, Chapter 61, Texas Natural Resources Code, it is the intention of the legislature that Galveston County exercise the authority delegated to it under this subchapter according to the following considerations:
  - (a) that the number of business establishments licensed by the County should not constitute a substantial interference with the free and unrestricted rights of ingress and egress of the public to public beaches;
  - (b) that the number of licenses issued by the County are sufficient to ensure free and unrestricted competition in selling or leasing of commodities to the public; and
  - (c) that no person should be allowed to operate any business establishment on any public beach in restraint of trade or competition by which the person controls all or substantially all of the business establishments on the public beach that have been issued licensed by the County.

### SECTION 3. ADMINISTRATION.

- 3.1 The Commissioners Court assigns responsibility for implementing and enforcing these rules to the Galveston County Parks and Cultural Services Department.

- 3.2 The Commissioners Court assigns responsibility for the administration of the permitting process to the Galveston County Purchasing Department.
- 3.3 The Commissioners Court shall retain oversight authority over the implementation of these rules and the administration of the permitting process.
- 3.4 The Department may issue permits pursuant to these rules without having to submit the received responses to the Commissioners Court for review or approval.

#### SECTION 4. DEFINITIONS.

In these rules:

- 4.1 “Beach vending permit” or “permit” means a permit issued under these rules.
- 4.2 “Business establishment” means any structure or vehicle where any commodity, including memberships in any private club or other similar organization, is offered to the public for sale or lease but does not include any structure or vehicle where only services are offered to the public for sale.
- 4.3 “Category” means one of the categories of operation described in Section 7 of these rules.
- 4.4 “Commissioners Court” means the Galveston County Commissioners Court.
- 4.5 “Commodity” means a useful and valuable thing, including a membership, good, activity, or experience.
- 4.6 “County” means Galveston County, Texas.
- 4.7 “Department” means the Galveston County Parks and Cultural Services Department.
- 4.8 “Director” means the Director of the Galveston County Parks and Cultural Services Department.
- 4.9 “Mobile” means vehicular in nature, on wheels, or of such nature that it is capable of moving or being moved for set-up and removal from the beach area each day.
- 4.10 “Novelty” means a small, manufactured article intended mainly for personal or household adornment.

- 4.11 “Permittee” means a respondent who is granted a beach vending permit to operate a business establishment on a public beach under these rules.
- 4.12 “Public beach” has the meaning assigned by Section 61.001(8), Natural Resources Code.
- 4.13 “Respondent” means an individual, proprietorship, corporation, association, or other legal entity who has submitted materials in accordance with these rules to obtain a beach vending permit.
- 4.14 “Response” means the materials submitted by a respondent in order to obtain a beach vending permit.
- 4.15 “RFP” means Request for Proposal.
- 4.16 “Rules” means these Beach Vending Regulations of Galveston County, Texas.
- 4.17 “Sale or lease” or “sell or lease” means offering a commodity in exchange for payment.
- 4.18 “Vending” means offering to sell or lease a commodity to the public from a business establishment.
- 4.19 “Vending period” means the two-year period beginning March 1st and ending the last day of February in the second following calendar year.
- 4.20 “Vendor” means a person who sells or leases commodities on a public beach subject to these rules.
- 4.21 “Zone” means one of the three Bolivar Peninsula beach zones designated by subsection 6.2 of these rules.
- 4.22 “Zoned permit” means a permit that is restricted to operation to a designated zone, i.e., a permit issued pursuant to these rules other than a permit described by subsections 7.1(d) and 7.1(e).

#### SECTION 5. BEACH VENDING PERMITS GENERALLY.

- 5.1 It shall be unlawful to operate a business establishment on a public beach in this County without a valid beach vending permit.
- 5.2 Galveston County is prohibited from issuing permits to business establishments located at a fixed or permanent location on a public beach. All business establishments operating on a public beach must be mobile.

- 5.3 Anyone interested in obtaining a beach vending permit must submit a complete and timely response to the County's Request for Proposals in order to be considered for selection.
- 5.4 A permit is only valid for a single business establishment.
- 5.5 A permittee is not eligible for more than one permit per zone.
- 5.6 A permit is valid for one (1) vending period, or for the remaining portion of the vending period for which the permit is issued.
- 5.7 A permit may not be amended once it is issued. A permittee wishing to amend their permit must wait until the next RFP cycle is available for response submissions to submit a new response with any desired modifications.
- 5.8 A beach vending permit is not transferable, assignable, or divisible and it is a violation of these rules for any person to attempt to do so.

SECTION 6. DESIGNATED VENDING ZONES AND ALLOCATION OF PERMITS.

- 6.1 Except for permits described by subsections 7.1(d) and 7.1(e) each permit issued shall specify which designated vending zone a vendor may operate their business establishment.
- 6.2 The designated vending zones and their boundaries are:
  - (a) Crystal Beach Zone: bounded on the southwest by an imaginary line drawn by projecting the center line of Alma Street to the Gulf of Mexico, and bounded on the northeast by an imaginary line drawn by projecting the centerline of Gulf Shores to the Gulf of Mexico (Barrel 51 ½–75 ½);
  - (b) North Beach Zone: bounded on the southwest by an imaginary line drawn by projecting the center line of Gulf Shores to the Gulf of Mexico, and bounded on the northeast by the Chambers County line (Barrel 75 ½–County Line); and
  - (c) South Beach Zone: bounded on the northeast by an imaginary line drawn by projecting the center line of Alma Street to the Gulf of Mexico, and bounded on the southwest by the Texas Department of Transportation Highway 87 ferry landing (Barrel B1–51 ½).
- 6.3 The total number of zoned permits that may be issued at the beginning of a vending period or that may be in effect at any time during the vending period is limited to:

- (a) Crystal Beach Zone: ten (10) permits;
- (b) North Beach Zone: eight (8) permits; and
- (c) South Beach Zone: eight (8) permits.

- 6.4 A maximum of two (2) businesses selling the same or similar items may be permitted for each zone.
- 6.5 A maximum of one (1) permit per zone may be issued to each vendor, regardless of category.

SECTION 7. PERMIT CATEGORIES, PROHIBITED CONDUCT, AND SPECIAL RULES FOR CERTAIN PERMITS.

- 7.1 Beach vending permits are available for the following vendor categories:
- (a) food and non-alcoholic beverage sales, includes ice sales;
  - (b) sale of novelties, souvenirs, and other non-food or non-alcoholic beverage items;
  - (c) water activities, includes jet ski rentals;
  - (d) surfboards and related equipment;
  - (e) horse-drawn carriage rides; and
  - (f) any other category established by the Director after review of the pool of permit applications for the upcoming or current vending period.
- 7.2 Permits will not be issued to business establishments intending to sell or lease items from the following categories:
- (a) alcohol;
  - (b) firearms, ammunitions, or explosives;
  - (c) fireworks or other pyrotechnic devices;
  - (d) merchandise with lude, offensive, or vulgar words or profanities;
  - (e) items displaying anything related to marijuana, including CBD and THC products, or other illicit substances; and
  - (f) anything that may pose a risk to public health and safety.
- 7.3 Soliciting or accepting monetary donations is prohibited on the beaches of the Bolivar Peninsula.
- (a) Exceptions may be made for registered non-profit organizations.
  - (b) Interested non-profit organizations must receive written permission from the Director prior to soliciting or accepting monetary donations on the beaches of the Bolivar Peninsula.



7.5 Special Rules Pertaining to Permits for Surfboards and Related Equipment.

- (a) A permit to sell or lease surfboards and related equipment may not be limited as to the territory over which the business establishment may operate. Accordingly, the sale or lease of surfboards and related equipment are exempt from the requirements of Section 6 of these rules.
- (b) For purposes of these rules, “related equipment” includes paddles, paddleboards, skim boards, kayaks, boogieboards, floats, flippers, water bikes, and water trikes.
- (c) There are a maximum of two (2) permits available to sell or lease surfboards and related equipment.
- (d) A maximum of one (1) permit may be issued to each vendor operating under this category.

7.6 Special Rules Pertaining to Permits for Horse-Drawn Carriage Rides.

- (a) A permit to sell horse-drawn carriage rides is not limited as to the territory over which the business establishment may operate. Accordingly, a permit to sell horse-drawn rides is exempt from the requirements of Section 6 of these rules.
- (b) There are a maximum of two (2) permits available to sell horse-drawn carriage rides.
- (c) A maximum of one (1) permit may be issued to each vendor operating under this category.
- (d) A permit will not be issued for a business establishment that operates more than six (6) horse-drawn carriages.

7.7 Special Rules Pertaining to Permits for Food and Non-Alcoholic Beverages.

- (a) A permittee receiving a permit for a business establishment intending to serve food and non-alcoholic beverages must comply with the Galveston County Health District Food Service Establishments Policy, as applicable.
- (b) A permittee receiving a permit under this category must provide the Department with a legible photocopy of the food service permit issued to it in accordance with the Galveston County Health District Food Service Establishment Policy.

7.8 Special Rules Pertaining to Permits for Water Activities.

- (a) A respondent selected to receive a permit for water activities must file a safety plan with the following County office:

**Galveston County Parks and Cultural Services Department**  
**Attn: Bolivar Beach Sticker Supervisor**  
**P.O. Box 1679**  
**Crystal Beach, TX 77650**

- (b) The safety plan must include:

- (1) an assurance that any rider will wear a Coast Guard-approved life jacket;
- (2) a copy of the instructions that the vendor intends to provide to each rider, of which must conform to state and local law concerning the operation of watercraft and must include an emphasis on the safety of swimmers in nearby waters;
- (3) an assurance that markers or buoys will be placed in a manner that designates the area where riding is allowed;
- (4) a description of the procedure to be used to rescue riders with non-operational equipment or who become injured while operating the watercraft and are unable to safely return to shore; and
- (5) a description of the procedure to be used to address the needs of riders who experience a medical emergency while operating the watercraft.

- (c) A vendor operating under a permit issued for water activities may not conduct business from a location within 0.5 mile of another vendor operating under a permit issued for water activities.

- (d) A vendor operating under a permit issued for water activities must not interfere with the private water activities of others.

- (e) A vendor operating under a water activities permit must comply with all applicable state laws pertaining to the operation of a watercraft and any other vehicles in use.

SECTION 8. PROCEDURE FOR REQUEST FOR PROPOSAL RESPONSE SUBMISSION.

- 8.1 The County will publicly post notice of the RFP in a manner consistent with other public procurements.
- 8.2 Anyone interested in obtaining a beach vending permit must comply with the procedure described herein as well as any additional instructions or requirements found within the RFP. To the extent the RFP requires or requests information that differs from these rules, all requirements must be met.
- 8.3 Responses must be received by the Purchasing Agent by the time and date indicated in the notice for the RFP.
- 8.4 To be considered complete, the RFP response must include the following:
  - (a) a completed Galveston County Beach Vending Permit Application;
  - (b) the respondent's business proposal;
  - (c) a statement certifying that all content and materials included in the response are true and correct under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code;
  - (d) a notarized statement sworn to by the respondent that neither the respondent nor any other owner of the business establishment, vendor, employee, or other individual acting for or on behalf of the respondent, of whom is physically located on the beaches subject to these rules, has been convicted of any of the offenses listed in 13.1(a) of these rules;
  - (e) two recent color photographs of the vehicle or structure to be used for the business establishment;
    - (1) If respondent intends to use a vehicle, the photographs must show the driver's side, the passenger's side, and the license plate number of the vehicle.
    - (2) If respondent intends to use a structure, the photographs must show the front and back of the structure.
    - (3) If the vehicle or structure does not currently exist, the respondent must submit a physical description of any planned vehicle or structure to be used, including make, model, year, color(s), size,

and examples, descriptions and/or diagrams of signs and logos to be displayed.

- (f) a photocopy of the respondent's driver license or other government-issued photo identification. If respondent is a legal entity, include a photocopy of the driver license or government-issued photo identification of the individual executing the response on the entity's behalf;
- (g) if the respondent is a legal entity, a copy of the formative legal documents for the legal entity (e.g., the Articles of Incorporation, partnership agreement, registration of entity, etc.) and a certificate issued by an appropriate government entity that shows the legal entity is in good standing;
- (h) if the respondent will be operating under an assumed name, a true and correct copy of the assumed name certificate of which was filed with the Galveston County Clerk's Office or Texas Secretary of State. Such copy must bear a file mark or stamp indicating that it has been filed; and
- (i) the required application fee.

8.5 The application fee must be paid at the time the response is submitted.

- (a) The application fee may be paid by either a cashier's check or money order and shall be made payable to "Galveston County". Personal checks or cash will not be accepted.
- (b) If a submitted application is not selected for issuance of a permit, the Department shall return the application fee to the respondent.
- (c) The application fee for each permit application is \$200.00.

8.6 Any respondent who plans to operate more than one business establishment must file a separate response accompanied by a separate filing fee for each business establishment that it seeks to have permitted.

- (a) If a respondent applies for and is approved to receive more than one permit for the same category in multiple zones, the respondent may choose which zone or zones it prefers and waive any of the other permits approved for other zones. Filing fees for any application waived by the respondent in accordance with this section shall be returned to the respondent.

- (b) The waiver must be in writing and delivered to the Director not later than the 5th business day after the date the respondent receives notice that their multiple responses have been selected.

SECTION 9. SELECTION OF VENDORS.

- 9.1 All timely received responses will be opened at the date and time indicated on the RFP.
- 9.2 All responses received in accordance with Section 8 of these rules shall be reviewed, evaluated, and scored by the Evaluation Committee. The Evaluation Committee shall determine whether each response meets the minimum criteria for permit eligibility under these rules, state law, and the RFP. Eligible responses as determined by the committee shall be scored by the committee in accordance with the criteria included in the RFP.
- 9.3 To be eligible for scoring, a response must:
  - (a) comply with the RFP response submission process;
  - (b) comply with the requirements of Chapter 61 of the Natural Resources Code, as applicable; and
  - (c) comply with these rules.
- 9.4 Responses may be evaluated using the following criteria:
  - (a) Whether the response is consistent with recreational needs and the public welfare;
  - (b) Whether the respondent's business establishment will create a traffic or safety hazard;
  - (c) Whether the respondent's business plan supports the successful operation of the business establishment;
  - (d) Whether the respondent is capable of operating the business establishment; and
  - (e) Any other criteria deemed appropriate by the Director or the Commissioners Court, including respondent's prior conduct.
- 9.5 The Evaluation Committee shall recommend to Commissioners Court that the top scoring responses be issued permits subject to the number of permits available for each category and zone. The Commissioners Court may exercise its discretion in the final selection of the issuance of permits to any respondent.

9.6 All respondents will be notified in writing within 30 calendar days after the opening of the responses regarding whether the respondent was selected for a beach vending permit.

(a) Selected respondents will receive a Notice of Intention to Grant Permit, providing the following information:

(1) confirmation that the response was selected for a beach vending permit;

(2) a list of the additional information needed in order to complete the permitting process and obtain the permit; and

(3) the operating conditions that would attach to the permit.

(b) Respondents not selected will receive notice providing the following information:

(1) notification that the response was not selected for a beach vending permit; and

(2) information regarding how to be placed on the beach vending permit waitlist, if eligible.

(c) Respondents who have received a Notice of Intention to Grant Permit shall, within five (5) business days of receiving the notice either:

(1) certify acceptance of the operating conditions, including the standard conditions of the permit; or

(2) refuse to certify acceptance of the operating conditions. A respondent who refuses to certify acceptance of the operating conditions shall forfeit their opportunity to receive a permit and may be placed on the waitlist.

9.7 Respondents who have received a Notice of Intention to Grant Permit must provide the following additional information before the permit will be issued:

(a) proof of current vehicle liability insurance, if applicable, and current general liability insurance that complies with subsection 11.14 of these rules;

- (b) proof as required in subsection 11.15 that each respondent and all other owners, vendors, employees, and other individuals acting for or on behalf of the respondent, of whom will be physically on the beaches subject to these rules has undergone a recent criminal history check;
- (c) a copy of any certificates, permits, licenses, or like-documents that are required in order for the respondent or their vendor(s) to lawfully operate their business enterprise as intended. If applicable, respondent must include a copy of their Galveston County Health District's Food Service permit(s);
- (d) payment in the amount of the yearly operating fee; and
- (e) proof that a safety plan was filed with the Department, if applicable.

9.8 Selected respondents that do not comply with subsection 9.7 of these rules within fifteen (15) calendar days of having been notified shall forfeit their opportunity to receive a permit and will be placed on the waitlist.

#### SECTION 10. PERMIT WAITLIST AND PROCEDURE.

10.1 Any unselected scored response that is otherwise eligible, including those of selected respondents who failed to comply with subsection 9.7, may be placed on the beach vending permit waitlist for its category and zone. Respondents will be placed on the waitlist in the order of which their response scored during the evaluation process.

10.2 In the event that a permit becomes available during the vending period, the Department may offer the respondent in the first position on the waitlist the opportunity to accept a beach vending permit.

- (a) Department will issue respondent a Notice of Intention to Grant Permit, as described in subsection 9.6(a) of these rules.
- (b) Respondent shall, within five (5) business days of receiving the Notice of Intention to Grant Permit either:
  - (1) certify acceptance of the operating conditions, including the standard conditions of the permit; or
  - (2) refuse to certify acceptance of the operating conditions. A respondent who refuses to certify acceptance of the operating conditions shall forfeit their opportunity to receive a permit and may be placed on the waitlist.

- 10.3 A respondent on the waitlist who fails to respond to the Department within five (5) business days of being notified that a permit is available to them shall forfeit their opportunity to receive a permit and may be removed from the waitlist.
- 10.4 To receive a permit under this section, respondent must provide the Department with the information required by subsection 9.7 of these rules within fifteen (15) calendar days of having been notified of the opportunity to receive a permit. Respondent must also provide the Department with any information that has changed from the respondent's submitted response.
- 10.5 A respondent selected from the waitlist will be issued a permit for the remainder of the current vending period.

#### SECTION 11. GENERAL REQUIREMENTS FOR VENDORS.

- 11.1 All permittees and vendors must comply with these rules during the term of the permit.
- 11.2 Each respondent, permittee, owner, vendor, employee, and any other individual acting for or on behalf of a permittee, of whom is physically located on the beaches subject to these rules, must comply with all applicable state or federal laws or regulations.
- 11.3 A vendor may not sell or distribute glass containers or any commodity in a glass container.
- 11.4 A permittee or vendor may operate only the type of business described in their permit.
- 11.5 A permittee or vendor may only operate their business in the area allowed by their permit.
  - (a) Business may be conducted only upon the area of public beach within the jurisdiction of the County from the line of mean low tide to the natural vegetation line on Bolivar Peninsula and within the boundaries of Galveston County.
  - (b) A business establishment may not block any access road to the beach.
  - (c) A business establishment may not be located on or stop to conduct business transactions in such a manner that blocks the established traffic routes along the beach.



- 11.6 A vendor may not conduct business between the hours of sunset and sunrise, unless otherwise approved by the Department and the alternate hours of operation are reflected on the vendor's permit.
- 11.7 All vendors must remove all materials, facilities, and vehicles used in conjunction with their operations at sunset each day and will be permitted to set up again after sunrise the following day, unless an exception is granted under subsection 11.6 of these rules. During large or special events, i.e. on a case-by-case basis, additional exceptions to this provision may be granted by the Department.
- 11.8 Vendors, with the exception of those who are subject to subsection 7.8 of these rules, may not conduct business from a stationary location within 50 yards of another stationary beach vendor operating under the same category of permit. Beach locations may be selected daily by vendors on a first come first served basis.
- 11.9 Vendors, with the exception of those who hold permits for surfboards and related equipment, horse-drawn carriage rides, and jet skis, must limit the amount of space used by their operation to a maximum radius of five feet beyond the vehicle or structure from which they are operating. Vendors who hold permits for surfboards and related equipment, horse-drawn carriage rides, and jet skis must limit the amount of space used by their operation to a maximum radius of twenty (20) feet beyond the vehicle or structure from which they are operating.
- 11.10 Permittees must mark on or otherwise identify their business establishments with their company name or assumed name, as listed in their application.
- (a) The name of the permitted business establishment must be plainly visible to the public from at least two sides of the business establishment.
  - (b) Two sides means either the –
    - (1) passenger side and driver's side;
    - (2) passenger side and back; or
    - (3) driver's side and back.
- 11.11 All signs, including those used for identification or advertising purposes, must be permanently attached to or painted on the business establishment. The use of detached signs is prohibited.
- 11.12 Vendors must prominently display the permit so that it is plainly visible to the public from at least one side of the business establishment.

11.13 Vendors must provide garbage receptacles for any refuse generated as a result of their beach vending permit activities and by members of the public who purchase or lease from the vendor.

(a) A garbage receptacle must be located within twenty (20) feet of the business establishment.

(b) Vendors are responsible for daily removal of garbage they or their customers generate. Removal may be satisfied by the vendor removing the garbage from the Bolivar Peninsula public beach area or by contracting with a licensed waste removal company.

11.14 Permittees that operate a vehicle for purposes of this permit must maintain vehicle liability insurance throughout the entirety of the permit term. All permittees must maintain general liability insurance throughout the entirety of the permit term.

(a) The policy must identify Galveston County as an additional insured party.

(b) At a minimum, the permittee's policy must cover: \$100,000 per injury, and \$300,000 per occurrence for bodily injury; and \$100,000 for property damage.

(c) If the permittee's insurance is scheduled to expire during the permit term, the permittee must submit proof to the Department that their insurance has been renewed within three (3) days of any lapse in coverage.

11.15 It shall be the responsibility of the respondent or other owner of the business establishment, to conduct a complete criminal history check of each respondent, owner, vendor, employee, or other individual acting for or on behalf of the respondent, of whom will be physically located on the beaches subject to these rules.

(a) Such inquiries must be made upon hiring said individual and must be repeated annually, no later than one month after the anniversary of the individual's official date of hire.

(b) Such inquiries require the submission of the individual's fingerprints to the Texas Department of Public Safety or to the Federal Bureau of Investigation.

SECTION 12. YEARLY OPERATING FEE.

12.1 Prior to receiving their permit, each respondent must pay the operating fee for the amount required for the respondent's designated permit. This operating fee shall follow the following schedule:

\$1,400.00 for a permit for the Crystal Beach Zone;  
\$700.00 for a permit for the North Beach; and  
\$700.00 for a permit for the South Beach Zone.

\$1,400.00 for a permit for surfboard sale or rentals; and  
\$1,400.00 for a horse-drawn carriage permit.

12.2 This fee must be paid each year of the vending period, for a total of two payments per permit issued. The first payment must be paid prior to receiving the beach vending permit. The second payment must be paid by March 1st of the odd-numbered year of the vending period.

(a) In the event that a permit is issued after March 1st of the first year of the vending period, e.g., a respondent from the waitlist is offered a permit, this fee shall be prorated. Proration means a fee proportional to the number of days remaining in the year between the date of the Notice of Intention to Grant Permit and the end of the calendar year as a fraction over 365.

12.3 This fee must be paid by cashier's check or money order. Personal checks, credit or debit cards, other forms of electronic payment, or cash are not accepted.

SECTION 13. GROUNDS FOR DENIAL OF A BEACH VENDING PERMIT.

13.1 An application for a beach vending permit shall be denied upon a finding by the Director of any of the following:

(a) A respondent or other owner of the business establishment, vendor, employee, or other individual acting for or on behalf of the respondent, of whom is physically located on the beaches subject to these rules, has been convicted of any level of offense of the following:

(1) An Offense Against the Person, as described in Title 5 of the Texas Penal Code;

(2) An Offense Against the Family, as described in Title 6 of the Texas Penal Code;

- (3) An Offense Against Property, as described by Title 7, Chapters 28–32 and Chapter 34 of the Texas Penal Code;
  - (4) Harassment or Stalking as described by Title 9, Chapter 42 of the Texas Penal Code;
  - (5) An Offense of Public Indecency as described by Title 9, Chapter 43 of the Texas Penal Code; or
  - (6) Any other Crime of Violence not listed herein, as described by Article 59.01(3) of the Texas Code of Criminal Procedure.
- (b) A respondent makes a misleading statement, provides false, fraudulent, or untruthful information in, or withholds pertinent information from their response to the RFP;
  - (c) A respondent is under eighteen (18) years of age;
  - (d) A respondent has had a beach vending permit revoked during the current vending period;
  - (e) A respondent is delinquent in the payment to the County of taxes, fees, fines, or penalties assessed or imposed upon, regarding the business for which the beach vending permit is issued;
  - (f) The application fee has not been paid; or
  - (g) The response does not meet the terms and provisions of Subchapter E, Chapter 61, Natural Resources Code or these rules.

SECTION 14. GROUNDS FOR REVOCATION OF A BEACH VENDING PERMIT.

- 14.1 The failure or refusal of the permittee to comply with the terms and conditions of a permit shall operate as an immediate termination and revocation of all rights conferred in or claimed under the permit.
- 14.2 A permit issued under these rules may be terminated and revoked if any of the following has occurred:
  - (a) A permittee or other owner, vendor, employee, or other individual acting for or on behalf of the permittee, of whom is physically located on the beaches subject to these rules, has been convicted of any level of offense described in subsection 13.1(a) of these rules;

- (b) The permittee made a misleading statement in, provided false, fraudulent, or untruthful information in, or withheld pertinent information from their response to the RFP;
- (c) The beach vending permit should not have been issued pursuant to these rules;
- (d) A permittee or other owner, vendor, employee, or other individual acting for or on behalf of the permittee, of whom is physically located on the beaches subject to these rules, violates any section of these rules;
- (e) The yearly operating fee has not been paid.

14.3 If any of the events stated in subsection 14.2 have occurred, providing a basis for termination and revocation of a beach vending permit, the Director must document the event and must provide notice to the permit holder of the upcoming termination and revocation.

- (a) The notice must provide the reason(s) for the termination and revocation.
- (b) The termination and revocation of a permit is not effective until the permittee receives the written notice sent by certified mail to the address indicated on their application for the permit.

14.4 A record of each violation must be documented and retained by the Director.

14.5 A permittee whose permit has been revoked is not entitled to a refund of any previously paid yearly operating fees or application fees.

#### SECTION 15. PERMITTEE'S RIGHT TO APPEAL.

15.1 If the Director revokes a beach vending permit, the permittee shall have the opportunity to make a written request for a hearing before a hearing examiner to appeal the action. The hearing examiner shall be appointed by the Commissioners Court and must not have participated in any of the alleged grounds for the revocation.

15.2 All requests for such hearings must be made in writing and delivered to the Director within fourteen (14) days of receiving notice. The permittee waives the right to an appeal hearing if the request is not received timely by the Director.

- 15.3 The appeal hearing must be held within forty-five (45) days of Director's receipt of the permittee's request for the hearing. The permittee and the Director shall be provided the opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel at the appeal hearing. The formal rules of evidence do not apply to such hearings.
- 15.4 It shall be the responsibility of the permittee to incur the cost of and to provide a court reporter if one is desired.
- 15.5 It shall be the responsibility of the permittee to incur the cost of and to provide an interpreter if one is desired or necessary.
- 15.6 All involved parties must be physically present at the hearing. If the permittee is not physically present at the hearing, the permittee waives their right to the hearing and the Director's decision to revoke the permit shall be upheld.
- 15.7 The hearing examiner has the power to uphold or reverse revocation of the permit. Upon the conclusion of the hearing, the hearing examiner shall review the facts and evidence presented and shall issue a written order within twenty-one (21) days of the hearing.
- 15.8 If the hearing examiner determines that these rules have been violated, the Director's decision to revoke the permit shall be upheld.
- 15.9 The hearing examiner's decision may be appealed by filing a petition in the district court with competent jurisdiction within thirty (30) days of the issued order. Appeals to the district court will be governed by the substantial evidence rule described in Section 2001.174 of the Texas Government Code.

#### SECTION 16. OPERATION DURING PENDENCY OF APPEALS TO DISTRICT COURT.

- 16.1 If the permittee's appeal to the hearing examiner to reverse the termination and revocation of their beach vending permit is not successful, the permittee shall not operate their business establishment during the pendency of the appeal to the district court.
- 16.2 If the permittee's appeal to the hearing examiner to reverse the termination and revocation of their beach vending permit is successful, the permittee may resume operation of their business establishment immediately and may continue to operate during the pendency of the appeal to the district court.

SECTION 17. PENALTY AND ENFORCEMENT.

- 17.1 Any misrepresentation made by a respondent or permittee in anything belonging to, received by, or kept by Galveston County for information is a Class A misdemeanor, as defined under Section 37.10 of the Texas Penal Code.
- 17.2 Pursuant to Section 61.177, Natural Resources Code, a person, who for themselves or on behalf of or under the direction of another person, operates any business establishment, whether mobile or at a fixed or permanent location, on any public beach outside the boundaries of any incorporated city without first obtaining a license to operate the business establishment from the County shall be fined not less than \$10 nor more than \$200.
- 17.3 Pursuant to Section 61.178, Natural Resources Code, at the request of the County, Texas Parks and Wildlife Department game wardens will assist with enforcement of these rules, along with any other state or local law enforcement entities with jurisdiction over public beaches.

SECTION 18. CUMULATIVE EFFECT OF RULES AND SEVERABILITY.

- 18.1 Authority granted under these rules shall be cumulative of all other authority held by the County and its incorporated municipalities and these rules may not limit such authority.
- 18.2 These rules do not prevent any agency, department, political subdivision, or municipal corporation of the State of Texas from exercising its lawful authority under any law of this state to regulate safety conditions on any beach area subject to public use.
- 18.3 In the event that a section or subsection of these rules, or a particular application of a section or subsection of these rules is found to be unlawful, the remaining sections, subsections, and applications of the sections and subsections shall continue in force as law.



REQUEST FOR PROPOSALS AND  
SPECIAL PROVISIONS SUPPLEMENT

**Bolivar Peninsula Beach Vending Permit**

**RFP # B241007**

Inquiries Due: November 22, 2023 by 5:00 p.m.

Responses Due: January 4, 2024 by 2:00 p.m.

Contact: Rufus Crowder, CPPO CPPB  
Purchasing Agent  
722 Moody Avenue, 5th Floor  
Galveston, Texas 77550

E-mail: [purchasing.bids@co.galveston.tx.us](mailto:purchasing.bids@co.galveston.tx.us)

All inquiries and sealed responses to this Request for Proposals ("RFP") must be received by the Galveston County Purchasing Department by the due dates and times listed above.

Specifications for this RFP can be obtained at the office of the Galveston County Purchasing Agent or by visiting the following Galveston County website:

<https://www.galvestoncountytexas.gov/county-offices/purchasing/solicitations-bids>



**SECTION 1. BEACH VENDING PERMIT PROCESS OVERVIEW.**

The Department of Parks and Cultural Services (“Department”) for the County of Galveston (“County”) seeks to issue beach vending permits to qualified vendors by way of requesting and reviewing proposals from interested persons. This document includes the requisite procedures, specifications, and additional information applicable to Request for Proposals # B241007.

The County intends to grant only a limited number of beach vending permits to vendors to sell or lease commodities on the public beaches of the Bolivar Peninsula in unincorporated Galveston County. Permits will be awarded to the respondents whose response conforms to the RFP, meets the County’s requirements, and is highly ranked as a result of the competitive selection process described herein.

This RFP is issued under the authority of Subchapter E, Chapter 61, Natural Resources Code, incorporated by reference herein. In the event of any inconsistency between the terms of the RFP and Subchapter E, Subchapter E will control. The County presumes that all persons that submit a response are informed of the provisions of Subchapter E and the Galveston County Beach Vending Regulations.

**SECTION 2. CALENDAR OF EVENTS.**

<b>Event</b>	<b>Due Date/Time</b>
County Posts RFP on County Website	Tuesday, October 24, 2023
Pre-Proposal Conference	Wednesday, November 8, 2023 at 10:00 a.m.
Deadline to Submit Inquiries	Thursday, November 22, 2023 at 5:00 p.m.
County Issues Addendum to Respondents re: Inquiries	Before Tuesday, January 2, 2024
RFP Responses Due	Thursday, January 4, 2024 by 2:00 p.m.
Opening of RFP Responses	Thursday, January 4, 2024 at 2:00 p.m.
Evaluation Committee Notifies Respondents of Decisions by	Saturday, February 3, 2024
Additional Materials Due	15 days after receiving notice of selection
Vending Period Begins	Friday, March 1, 2024
Vending Period Ends	Saturday, February 28, 2026

- 2.1 The County reserves the right to alter the dates and/or times listed in the above-included Calendar of Events. The County will notify all respondents of such changes by issuing an addendum to this RFP.
- 2.2 All times shall read to be in Central Standard Time, unless specified otherwise.

### SECTION 3. PRE-PROPOSAL PROCESS.

#### *Pre-Proposal Conference.*

- 3.1 A non-mandatory pre-proposal conference will be held on Wednesday, November 8, 2023 at 10:00 a.m. at the Office of the Purchasing Agent, located on the fifth floor of the Galveston County Courthouse, 722 Moody Avenue, Galveston, Texas 77550.
  - (a) Respondents are strongly encouraged to attend the pre-proposal conference.
  - (b) The conference will provide an opportunity for respondents to ask specific questions about the permitting process and requirements, and request clarification of the RFP.

#### *Contacting the County.*

- 3.2 Respondents are to direct all communications regarding the RFP to the Purchasing Agent for Galveston County:

Rufus Crowder, CPPO CPPB  
Purchasing Agent  
722 Moody Avenue, 5th Floor  
Galveston, Texas 77550

E-mail: [purchasing.bids@co.galveston.tx.us](mailto:purchasing.bids@co.galveston.tx.us)

- 3.3 Respondents may not contact the Department of Parks and Cultural Services nor any member of the Evaluation Committee while the RFP is open for response submission or during the evaluation phase. Any attempt to do so may result in the rejection of the respondent's response.
- 3.4 Respondents seeking further explanation or clarification relative to this RFP must submit their inquiry in writing to the Purchasing Agent. Information provided orally will not be binding on Galveston County.
- 3.5 Respondents must include with their inquiry the respondent's name, the title of the RFP, and the RFP number. Respondents sending an inquiry via e-mail

must title the e-mail subject line with the following: "Beach Vending Permit – RFP # B241007 – Questions".

- 3.6 All inquiries must be received by the due date and time listed in this supplement. Inquiries submitted after the due date and time, or by improper means, will not be addressed by the County.

*County Response to Inquiries Made and the Issuance of Addenda.*

- 3.7 The County will issue addenda as needed in order to respond to inquiries received, correct substantive errors, and to amend the RFP if necessary. Addenda will be posted on the County's procurement website, located at:

<https://www.galvestoncountytexas.gov/county-offices/purchasing/solicitations-bids>

- 3.8 The County, at its sole discretion, may choose to not respond to a submitted inquiry.
- 3.9 All addenda shall become part of the RFP's terms and conditions and all respondents shall be bound by such addenda. It is each respondent's sole responsibility to ensure receipt of and to review all addenda prior to submitting a response.
- 3.10 Respondents should not rely on any oral or written representations, statements, or explanations regarding this RFP other than those written and contained within the RFP or any addenda issued thereto. The County shall not be bound by any references or dates obtained by respondents unless an official addendum is produced and released by the County.
- 3.11 Where there appears to be conflict between the RFP and any issued addenda, the last to be issued shall prevail.

**SECTION 4. SUBMISSION FORMAT AND INSTRUCTIONS.**

- 4.1 Respondents must include all requested materials and information required by the respondent with their response. Information required by the respondent refers to information expressly required by the respondent and that is material, as determined by the County, to an effective evaluation of the response using the evaluation criteria.
- 4.2 The response and all other materials submitted should reflect the respondent's complete response to the RFP. The Evaluation Committee will consider the submission as the respondent's full and final response and will make its selection based on the information included therein.

- 4.3 Respondents shall submit one (1) unbound original and five (5) complete copies of their response to the following address:

County of Galveston  
Attn: Rufus G. Crowder, CPPO CPPB, Purchasing Agent  
722 Moody Avenue, Fifth Floor  
Galveston, Texas 77550

- 4.4 Responses must be received by the Purchasing Agent by **2:00 P.M. on Thursday, January 4, 2024.**

- (a) Responses may be delivered by mail or by hand. Responses delivered by fax, email, or by other means will not be accepted.
- (b) The time stamp clock located in the Office of the Purchasing Agent shall serve as the official time-keeping piece for purposes of this RFP.
- (c) Any response received after the time and date indicated herein will not be opened or considered and will be returned to the sender.
- (d) Any response received prior to the time and date indicated herein will remain unopened until the date and time specified for opening.

- 4.5 Responses should be typewritten or computer generated. Responses are to be straightforward, clear, concise, and specific to the information requested. Responses must be signed in ink.

- 4.6 Respondent must prominently include on the outside of the sealed envelope or parcel containing their response the following:

- (a) Respondent's name and trade name, if any; and
- (b) RFP Response – Beach Vending Permit # B241007

- 4.7 Responses submitted may be disclosed by the County to any person, upon request, to the extent required or authorized by the Texas Public Information Act.

- 4.8 A respondent may withdraw their response before the date and time specified for opening, by submitting a written request to the Purchasing Agent. Upon receipt of such request, the unopened response will be returned to the respondent.

SECTION 5. RESPONSE REVIEW AND EVALUATION PROCESS.

5.1 Received responses will be opened on Thursday, January 4, 2024 at 2:00 p.m.

5.2 To be considered complete, the RFP response must include the following:

- (a) a completed Galveston County Beach Vending Permit Application;
- (b) the respondent's business proposal;
- (c) a statement certifying that all content and materials included in the response are true and correct under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code;
- (d) a notarized statement sworn to by the respondent that neither the respondent nor any other owner of the business establishment, vendor, employee, or other individual acting for or on behalf of the respondent, of whom is physically located on the beaches subject to these rules, has been convicted of any of the offenses listed in 13.1(a) of the Galveston County Beach Vending Regulations;
- (e) two recent color photographs of the vehicle or structure to be used for the mobile business establishment;
  - (1) If respondent intends to use a vehicle, the photographs must show the driver's side, the passenger's side, and the license plate number of the vehicle.
  - (2) If respondent intends to use a structure, the photographs must show the front and back of the structure.
  - (3) If the vehicle or structure does not currently exist, the respondent must submit a physical description of any planned vehicle or structure to be used, including make, model, year, color(s), size, and examples, descriptions and/or diagrams of signs and logos to be displayed.
- (f) a photocopy of the respondent's driver license or other government-issued photo identification. If respondent is a legal entity, include a photocopy of the driver license or government-issued photo identification of the individual executing the response on the entity's behalf;
- (g) if the respondent is a legal entity, a copy of the formative legal documents for the legal entity (e.g., the Articles of Incorporation,

partnership agreement, registration of entity, etc.) and a certificate issued by the Texas Secretary of State that shows the legal entity is in good standing;

- (h) if the respondent will be operating under an assumed name, a true and correct copy of the assumed name certificate of which was filed with the Galveston County Clerk's Office. Such copy must bear a file mark or stamp indicating that it has been filed; and
- (i) The required application fee.

5.3 Only respondents who submit a response that is responsive to the terms and conditions of the RFP are eligible for consideration. "Responsive" means a timely submitted response, submitted in the requisite form and manner, that meets the minimum requirements of the RFP. To satisfy the minimum requirements, a Response must:

- (a) comply with the RFP response submission process;
- (b) comply with the requirements of Chapter 61 of the Natural Resources Code, as applicable; and
- (c) comply with the Galveston County Beach Vending Regulations.

5.4 Responses may be evaluated using the following criteria:

- (a) Whether the response is consistent with recreational needs and the public welfare;
- (b) Whether the respondent's business establishment will create a traffic or safety hazard;
- (c) Whether the respondent's business plan supports the successful operation of the business establishment; and
- (d) Whether the respondent is capable of operating the business establishment.

5.5 The Evaluation Committee shall recommend to Commissioners Court that the top scoring responses be issued permits subject to the number of permits available for each category and zone. The Commissioners Court may exercise its discretion in the final selection of the issuance of permits to any respondent.

5.6 Galveston County reserves the right to reject any and all responses, as the best interest of the County may require, and to waive any informality in responses

received. Galveston County also reserves the right to not grant a permit pursuant to this RFP.

5.7 Respondents who receive a Notice of Intention to Grant Permit must provide the following additional information to the Department of Parks and Cultural Services before the permit will be issued:

- (a) proof of current vehicle liability insurance, if applicable, and current general liability insurance that complies with subsection 11.14 of the Beach Vending Regulations;
- (b) proof as required in subsection 11.15 of the Beach Vending Regulations, that each respondent and all other owners, vendors, employees, and other individuals acting for or on behalf of the respondent, of whom will be physically on the beaches subject to these rules has undergone a recent criminal history check;
- (c) a copy of any certificates, permits, licenses, or like-documents that are required in order for the respondent or their vendor(s) to lawfully operate their business enterprise as intended. If applicable, respondent must include a copy of their Galveston County Health District's Food Service permit(s);
- (d) payment in the amount of the yearly operating fee; and
- (e) proof that a safety plan was filed with the Department, if applicable.

#### SECTION 6. PROGRAM ADMINISTRATION.

The Department of Parks and Cultural Services shall be responsible for implementing and enforcing the Beach Vending Regulations. The Director of the Department will oversee the beach vending permit program and shall be the point of contact for those issued permits as a result of the RFP.

Julie Diaz, CPRE  
Department of Parks and Cultural Services Director  
4102 Main Street (FM 519)  
La Marque, Texas

Phone: (409) 934.8114  
Email: [julie.diaz@co.galveston.tx.us](mailto:julie.diaz@co.galveston.tx.us)

#### SECTION 7. MISCELLANEOUS PROVISIONS.

7.1 Any expense or cost incurred during the preparation and submission of a response to this RFP shall be borne by the respondent.

- 7.2 The sale of snow cones and prepackaged ice cream are considered separate businesses. A vendor may not sell both under the same permit.
- 7.3 The County may cancel the RFP process at any time for any reason without liability to any respondent prior to the issuance of the beach vending permits.
- 7.4 A 5% bid bond is not a requirement of this RFP.
- 7.5 Performance and payment bonds are not a requirement of this RFP.
- 7.6 To the extent the RFP or any document related to or concerning the RFP describes a contract or prospective contract, it shall be known that a contractual relationship will not be formed between a respondent or vendor and Galveston County. The sole purpose of this RFP is to facilitate the issuance of beach vending permits in accordance with the Beach Vending Regulations.
- 7.7 Contractor is encouraged to use local labor, but not at the expense of poor workmanship or higher cost. Contractor will not discriminate against any employee on the basis of race, religion, color, sex, or national origin. Contractor agrees to post in a conspicuous place a notice setting forth provisions of this non-discrimination clause.
- 7.8 Any exception to the terms of this RFP should be attached to the response and submitted along with the response by the due date and time specified herein.





## RESPONSE TO REQUEST FOR PROPOSALS

### **Bolivar Peninsula Beach Vending Permit**

**RFP # B241007**

Inquiries Due: November 22, 2023 by 5:00 p.m.

Responses Due: January 4, 2024 by 2:00 p.m.

Contact: Rufus Crowder, CPPO CPPB  
Purchasing Agent  
722 Moody Avenue, 5th Floor  
Galveston, Texas 77550

E-mail: [purchasing.bids@co.galveston.tx.us](mailto:purchasing.bids@co.galveston.tx.us)

All inquiries and sealed responses to this Request for Proposals ("RFP") must be received by the Galveston County Purchasing Department by the due dates and times listed above.

Specifications for this RFP can be obtained at the office of the Galveston County Purchasing Agent or by visiting the following Galveston County website:

<https://www.galvestoncountytexas.gov/county-offices/purchasing/solicitations-bids>

APPLICATION FOR PERMIT

**Bolivar Peninsula Beach Vending Permit**

Full Name of Respondent: \_\_\_\_\_

Trade Name (if any): \_\_\_\_\_

Entity Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Webpage (if any): \_\_\_\_\_

Type of Entity / Organizational Structure (check one):

- |  |  |
|--|--|
| <input type="checkbox"/> Corporation                   | <input type="checkbox"/> Joint Venture |
| <input type="checkbox"/> Limited Liability Partnership | <input type="checkbox"/> Partnership   |
| <input type="checkbox"/> Limited Liability Corporation | <input type="checkbox"/> Non-Profit    |
| <input type="checkbox"/> Individual                    | <input type="checkbox"/> Other: _____  |

Federal Employee Identification Number ("EIN"): \_\_\_\_\_

Sales Tax Number: \_\_\_\_\_ State: \_\_\_\_\_

Primary Contact Information:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

Email Address: \_\_\_\_\_

Correspondence to be Mailed to (check all that apply):

- |   |  |
|---|--|
| <input type="checkbox"/> Entity Address | <input type="checkbox"/> Primary Contact Address |
| <input type="checkbox"/> Other _____    |  |

Category (check one):

- Food and Drink       Novelty       Horse-Drawn Carriage  
 Surfboard       Water Activity       Other: \_\_\_\_\_

Preferred Vending Zone (check one):

- Crystal Beach     North Beach     South Beach     No Preference

List all vehicle(s) and/or trailer(s) to be used for purposes of this permit. Attach additional pages if needed.

<u>Owner</u>	<u>Type</u>	<u>Year</u>	<u>Model</u>	<u>VIN/Serial No.</u>	<u>License Plate No.</u>
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- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

List all owners and upper-level employees of entity seeking this permit. Attach additional pages if needed.

<u>Name</u>	<u>Address</u>
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- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

List all person(s)\* who will be operating any vehicles and/or trailers to be used for purposes of this permit. Attach additional pages if needed.

<u>Name</u>	<u>Address</u>	<u>Driver License No.</u>
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- (1) \_\_\_\_\_
- (2) \_\_\_\_\_
- (3) \_\_\_\_\_

\*A photocopy of the driver license for each person listed must be included with this application.

List at least three references that can attest to respondent's ability to successfully operate a business establishment in accordance with the Beach Vending Regulations. References should be able to describe respondent's ability to operate a successful business and be able to describe respondent's personal history and character. References should be unrelated to respondent. Attach additional pages if needed.

<u>Name</u>	<u>Address</u>	<u>Telephone No.</u>
(1) _____	_____	_____
(2) _____	_____	_____
(3) _____	_____	_____

Has any person included or referenced in this application been convicted of any level of offense described in Section 13.1(a) of the Beach Vending Regulations?

Yes       No

If yes, provide the name of the individual, offense and level of offense, date of conviction, state and county where convicted, and any other relevant information. Attach additional pages if needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Printed Name of Respondent

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date

State of Texas  
County of \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing documents and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Notary Public, State of Texas

BUSINESS PROPOSAL

**Bolivar Peninsula Beach Vending Permit**

Full Name of Respondent: \_\_\_\_\_

Trade Name (if any): \_\_\_\_\_

Category (check one):

- Food and Drink       Novelty       Horse-Drawn Carriage  
 Surfboard       Water Activity       Other: \_\_\_\_\_

List commodities or services to be sold or leased with approximate prices. Attach additional pages if needed.

<u>Commodity or Service</u>	<u>Approximate Price</u>
(1) _____	_____
(2) _____	_____
(3) _____	_____
(4) _____	_____
(5) _____	_____
(6) _____	_____

Preferred Vending Zone (check one):

- Crystal Beach     North Beach     South Beach     No Preference

Business will be conducted (check one):

- Daily       Weekly       Special Event(s)/Holiday Weekend(s)

Proposed Days and Hours of Operation: \_\_\_\_\_

\_\_\_\_\_

Describe any experience operating a mobile concession unit on the beach. Include the length of time in business, staff size, and current operations that are similar in nature to this project. Attach additional pages if needed.

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Provide a summary of how you intend to provide the services requested by this RFP. Describe a staffing plan and chain of responsibility for resolving any problems that may arise on the beach while operating under the beach vending permit. Attach additional pages if needed.

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Describe how the operation of the proposed business establishment satisfies the following evaluation criteria. Attach additional pages if needed.

*Proposal would benefit the public and enhance the beach experience.*

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*Proposal complies with the Galveston County Beach Vending Regulations.*

Yes       No

If No, indicate why the Proposal does not comply with the Galveston County Beach Vending Regulations. Attach additional pages if needed.

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Provide any additional information that should be considered in evaluating your RFP response. Attach additional pages if needed.

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I, the undersigned respondent, agree, if issued a Bolivar Peninsula Beach Vending Permit, to furnish the commodities or services listed herein at the prices listed and to operate in accordance with the Galveston County Beach Vending Regulations and any additional terms attached to the issued permit. I affirm that I hold the authority to submit this response and to bind the named entity, if any, to the terms and conditions attached to the permit. Further, I understand that Galveston County may terminate the RFP process at any time short of executing the permit without liability to me.

\_\_\_\_\_  
Printed Name of Respondent

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date

CERTIFICATION OF RESPONDENT

**Bolivar Peninsula Beach Vending Permit**

By submitting this application, I, the undersigned, hereby acknowledge that:

- (1) I have read, fully understand, and agree to comply with the Galveston County Beach Vending Regulations (“Rules”) as adopted by the Galveston County Commissioners Court.
- (2) I am the respondent referenced throughout this response, as that term is defined by subsection 4.13 of the rules.
- (3) I have disclosed the identity of all persons who may operate any vehicle or structure to be used for purposes of this permit and have provided a photocopy of each person’s driver license.
- (4) I affirm that the proposed business establishment of which seeks to be permitted will not create a traffic or safety hazard.
- (5) I affirm that all information provided in this response is true and correct under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code.
- (6) I affirm that I have not withheld any pertinent information that relates to this response under the penalty of perjury as defined under Section 37.02 of the Texas Penal Code.
- (7) I understand that any violation of the rules committed by a permittee, owner, vendor, employee, or any other individual acting for or acting behalf of the permittee, of whom is physically located on the beaches subject to the rules, shall be grounds for immediate termination and revocation of the beach vending permit.
- (8) I understand that making a misleading statement or misrepresentation in this response is a Class A misdemeanor offense as defined under Section 37.10 of the Texas Penal Code.
- (9) I further understand that withholding pertinent information from or making a misleading statement or misrepresentation in this response will result in the denial or termination and revocation of a beach vending permit.

\_\_\_\_\_  
Printed Name of Respondent

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date



CERTIFICATION OF CRIMINAL HISTORY

**Bolivar Peninsula Beach Vending Permit**

I, the undersigned respondent, hereby affirm that neither I, nor any other owner of the business establishment, vendor, employee, or other individual acting for or on behalf of me, the undersigned respondent, of whom is physically located on the beaches subject to the Galveston County Beach Vending Regulations, have not been convicted of any level of offense listed in subsection 13.1(a) of the Galveston County Beach Vending Regulations, included herein for reference:

- (1) An Offense Against the Person, as described in Title 5 of the Texas Penal Code;
- (2) An Offense Against the Family, as described in Title 6 of the Texas Penal Code;
- (3) An Offense Against Property, as described by Title 7, Chapters 28–32 and Chapter 34 of the Texas Penal Code;
- (4) Harassment or Stalking as described by Title 9, Chapter 42 of the Texas Penal Code;
- (5) An Offense of Public Indecency as described by Title 9, Chapter 43 of the Texas Penal Code; and
- (6) Any other Crime of Violence not listed herein, as described by Article 59.01(3) of the Texas Code of Criminal Procedure.

\_\_\_\_\_  
Printed Name of Respondent

\_\_\_\_\_  
Signature of Respondent

\_\_\_\_\_  
Date

State of Texas  
County of \_\_\_\_\_

BEFORE ME, the undersigned authority, on this day, personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to this document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal this \_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Signature of Notary Public

## CHECKLIST FOR RFP RESPONSE MATERIALS

### **Bolivar Peninsula Beach Vending Permit**

In accordance with subsection 8.4 of the Galveston County Beach Vending Regulations, a complete RFP response includes each of the materials listed herein. Any respondent who plans to operate more than one business establishment must file a separate response accompanied by a separate application fee for each business establishment that it seeks to have permitted.

- \_\_\_\_\_ Application for Permit
- \_\_\_\_\_ Business Proposal
- \_\_\_\_\_ Certification of Respondent
- \_\_\_\_\_ Certification of Criminal History
- \_\_\_\_\_ Two (2) color photographs of the vehicle or structure
- \_\_\_\_\_ Photocopy of the government-issued photo identification for the respondent or for the individual executing the response on a legal entity's behalf
- \_\_\_\_\_ Photocopy of driver license for all persons who may operate any vehicle or structure to be used for purposes of the permit
- \_\_\_\_\_ Photocopy of the formative documents for the legal entity, if applicable
- \_\_\_\_\_ Photocopy of certificate of good standing, if applicable
- \_\_\_\_\_ Photocopy of assumed name certificate, if applicable
- \_\_\_\_\_ Application fee