



Orange County Market Place[®]

Operating Procedures For Sellers

Welcome Orange County Market Place Vendor,

The Orange County Market Place was launched in 1969 here at the OC Fair & Event Center. Throughout its history, the Market Place has been a true institution and asset to the surrounding communities. We have always offered a unique outdoor market for our guests to shop, eat, and spend quality time with family and friends.

It is our goal to offer our guests a fun, family-oriented community gathering place where they can not only shop, but enjoy a variety of entertainment, arts, and educational opportunities. We truly believe that the Orange County Market Place is the place to spend a weekend that offers something for everyone to enjoy.

Entrepreneurship is and will remain our core. The Market Place is always looking for the next up-and-coming entrepreneur to give them a chance to develop their brand. We take great pride in the many success stories that have come from those that began right here at the Orange County Market Place. We are searching for vendors that will offer quality products, services, and that will better the guests' experiences during their visit.

As we move forward in achieving our goals we look to you, our vendors, to help us in continuously improving the Market Place and our community involvement. As with our staff, our vendors must demonstrate excellent customer service and offer our guests a fun, family friendly environment.

Welcome to the Orange County Market Place!

Adela Generally

General Manager

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SECTION I

Orange County Market Place

FREQUENTLY ASKED QUESTIONS

These are some of the frequently asked questions about the Orange County Market Place and they are included here to help explain the Operating Procedures which follow. To the extent any of the answers provided to the questions may be inconsistent with the Operating Procedures, the Operating Procedures shall control.

1.0 HOW DO I START SELLING AT THE ORANGE COUNTY MARKET PLACE?

- (A) Clearly define what you plan to sell. Some goods and services cannot be sold or are restricted (see Section II, Items 4.0 and 5.0).
- (B) Obtain a Seller's Permit **in your personal name with the business address of 88 Fair Drive, Costa Mesa, CA 92626** (see Section II, Item 9.0). If you have a Corporate Sellers Permit, please contact the Corporate Office.
- (C) Call the Reservation Line, (714) 557-0420 (see Section IV, Item 2.0), on the Tuesday prior to the weekend on which you plan to sell. Reservations begin at 10:00AM.
- (D) If you are unable to make a Telephone Reservation we suggest that you try the Overflow Program (see Section IV, Item 1.0).

When you are ready to sell you will need to bring the following items with you to the Orange County Market Place:

- (A) Your CA Seller's Permit **in your personal name with the business address of 88 Fair Drive, Costa Mesa, CA 92626** (see Section II, Item 9.0),
- (B) Your annual insurance certificate that names Ovations Fanfare, L.P. dba Spectra dba Orange County Market Place (now referred to as "Spectra") as additional insured. For Permittees not required to have an annual insurance certificate, daily insurance is available for purchase at the Orange County Market Place (see Section II, Items 11.1 and 11.2),
- (C) Driver's license or other government issued I.D. card with photograph,
- (D) All applicable fees in cash. **Exact change is required** (see Section III), and
- (E) Your OCMP issued Vendor ID Card.

2.0 WHAT AM I ALLOWED TO SELL AT THE ORANGE COUNTY MARKET PLACE?

The Operating Procedures Section II, Items 4.0 and 5.0, explain those items which are prohibited or restricted and those items which require prior written approval to sell.

3.0 WHAT IS THE SIZE OF THE SPACES?

The spaces are approximately 15 feet wide (frontage) by 27 feet deep. The space size is designed to accommodate the seller's vehicle, display material and merchandise. The space boundaries are marked in blue (using the symbols "+", "T", or "L"). All display material, merchandise, and the seller's vehicle must be within these boundaries at all times. This includes set up time, selling time, and tear down time. Permittees are not permitted to do business outside the assigned space. If violated a fine of \$100 will be charged.

4.0 HOW MANY VEHICLES CAN I BRING INTO THE SELLING AREA OF THE ORANGE COUNTY MARKET PLACE?

One (1) vehicle and one (1) connected trailer per seller, may enter the Orange County Market Place.

- (A) Both the vehicle and the trailer, if you have one, must both remain in the assigned space until closing time.
- (B) All display material and merchandise must be in the vehicle when entering the Orange County Market Place. Vendors may NOT restock or carry in additional merchandise from the parking lot.
- (C) Vendors may not drive the vehicles in and out loading and unloading merchandise, and you may not drive a second vehicle inside the Market Place, drop off merchandise, and then drive the vehicle back out.
- (D) No parking vehicles in the aisles at any time.
- (E) Double and triple space assignments may be available, but the policy is still only ONE (1) vehicle in the spaces per reservation.

5.0 WHAT DOES IT COST TO SELL AT THE ORANGE COUNTY MARKET PLACE?

All current daily fees (space fees, insurance fees, Merchant Services fees, and any other applicable fees) are available at the Guest Services Booth on the weekends or by calling the corporate office Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. (see Appendix A).

6.0 IS THERE ELECTRICITY AVAILABLE IN THE SPACES?

Electricity is not available. If you require electricity, generators, invertors, or batteries may be used as alternative means of generating power, but only if the noise or fumes do not create complaints from other Permittees, buyers, or Orange County Market Place management. If generators are used you may not refuel the generator while at the Orange County Market Place. In addition, you must have an approved fire extinguisher (minimum type 2A 10BC) in a readily accessible location while any alternative power source is in use. There is no guarantee that electricity will be available in any given space in the future, whether or not it is presently available, nor is there a guarantee that you will be able to use generators in the future.

7.0 WHAT DO I DO WITH MY EMPTY BOXES, PACKING MATERIALS AND TRASH?

There are no trash facilities available to vendors at the Orange County Market Place. The trash containers in the aisles are for the customers' use only. You must dispose of your own boxes and trash and **your space must be free of trash and debris when you leave at the end of the day or you will be subject to a fine of \$100.** (See Section II, Item 17.0).

8.0 WHAT IS THE SPEED LIMIT AT THE ORANGE COUNTY MARKET PLACE?

The maximum speed limit at the Orange County Market Place is 3 MPH. The speed limit must be followed at all times when entering and leaving the Orange County Market Place. When driving to your space and when exiting at the end of the day, exercise extreme caution and watch for pedestrians.

9.0 WHAT HAPPENS IF I MISS MY RESERVATION?

If you are a Daily Telephone Reservation, a processing fee of \$20 for each day missed will be assessed and must be paid on the morning of your next reserved day. Only cash payment is accepted (see Section III, Item 3.0). If you have a Pre-Paid Reservation or a Daily Priority Reservation, no cancellations will be accepted and no rain check or refund will be given. You will NOT be charged a \$20 fee, but you will lose your Pre- Paid Fees.

10.0 IF I HAVE A QUESTION, SUGGESTION OR CONCERN WHILE I AM AT THE ORANGE COUNTY MARKET PLACE, WHOM SHOULD I CONTACT?

You may contact an Orange County Market Place representative at the Guest Services Booth throughout the day.

11.0 WHAT DO I DO IN CASE OF AN EMERGENCY SITUATION?

Contact an Orange County Market Place employee as soon as possible so assistance can be obtained to handle the emergency. Emergency Medical Services and Security are located on the premises to handle most emergencies. If additional help is needed, they will contact the proper authorities. If you do call 911, immediately contact Orange County Market Place management so they know the location of the incident and can grant proper access to all Emergency Personnel or Emergency Vehicles. In the case of a serious emergency, listen to announcements made over the Public Address System. If any action is required on the part of the vendors, instructions will be announced over the Public Address System.

12.0 WHAT IS THE PROCEDURE ON DAYS OF INCLEMENT WEATHER?

The Orange County Market Place opens every Saturday and Sunday regardless of the weather conditions. Weather conditions are rarely so severe that closure of the Orange County Market Place becomes necessary (see Section II, Item 21.0).

13.0 HOW DO I BECOME A MONTHLY SELLER?

Although there are no "permanent" sellers at the Orange County Market Place, you may apply for a "monthly" space after selling three times as a daily seller. The application can be obtained at the Guest Services Booth along with information about our other programs (see Section IV, Item 6.0).

14.0 WHAT IF I REPRESENT A CORPORATION AND WANT TO USE MY CORPORATE SELLER'S PERMIT?

The Orange County Market Place requires individuals to purchase space at the Orange County Market Place in the individual's personal name. That individual is required to hold a Seller's Permit in his or her personal name. There are instances where individuals who represent corporations may be allowed to use a Corporate Seller's Permit at the Orange County Market Place, but the individual must still purchase the space in his or her personal name.

To be eligible to use a Corporate Seller's Permit, the individual must be employed by the corporation and submit in writing the following items to the Orange County Market Place Corporate Office (see Appendix A):

- (A) A copy of the corporation's Corporate Seller's Permit with an extension from the California Department of Tax and Fee Administration naming **a business address of 88 Fair Drive, Costa Mesa, CA 92626** [see Section II, Item 9.0 (C)],
- (B) Contact the Corporate Office of the Orange County Market Place to obtain Corporate Sellers Permit Authorization Form. Complete the Corporate Authorization Form.
- (C) Form must be signed and completed by an officer of the company.
Corporation must be **ACTIVE** and able to conduct business in the State of California.

Section II

Rules and Regulations

1.0 "PERMITTEE" DEFINED

Space will be assigned only to one (1) individual seller and only in that individual's personal name (the "Permittee").

2.0 OPERATING PROCEDURES MUST BE FOLLOWED

Spectra reserves the right in its sole discretion to refuse assignment of space to any Permittee and to approve or disapprove of any merchandise. Permittees are expressly prohibited from taking any action which interferes with the operation of the businesses of other Permittees or the operation of the Orange County Market Place. The failure of any Permittee to comply with these Operating Procedures, and any amendments here to, could result in the Permittee being asked to leave that day and/or the denial of future space assignment. Management further reserves the right in its sole discretion to decline any application or withhold any invitation to reapply for daily or monthly space assignments.

3.0 OPERATING PROCEDURES ARE SUBJECT TO CHANGE

Operating Procedures, including fees, terms and conditions, are subject to change without notice. The Permittee agrees to comply with all such changes. It is the responsibility of the Permittee to obtain a copy of the current Operating Procedures. Current copies of the Operating Procedures may be obtained at the Guest Service Booth during operating hours or on the Orange County Market Place website at <http://www.ocmarketplace.com>.

The headings within these Operating Procedures are for reference only, and shall not be deemed to alter or affect any of the Operating Procedures themselves. Furthermore, no employee, agent, or representative of Spectra may amend or grant exception to these Operating Procedures unless done so in writing and in accordance with these Operating Procedures. **Appendices are for informational purposes only and are not part of the Operating Procedures.**

4.0 PROHIBITED ITEMS

Space is assigned solely for the display, sale, and/or exchange of approved merchandise or services. The Orange County Market Place, in its sole discretion, reserves the right to prohibit the display, sale, and/or exchange of any item or service. Items or services which are **prohibited** and may not be sold, displayed, or advertised include, but are not limited to, the following:

- (A) Alcoholic beverages,
- (B) Medicines, drugs, vitamins, health supplements, diet aids and other similar health aids,
- (C) Any paraphernalia commonly used or associated with the use of any illegal drug or any other form of drug or narcotic,
- (D) Pornographic items, adult magazines such as Playgirl, Playboy, Penthouse, Hustler, adult calendars, or other materials which depict or portray persons in the nude; and

- items that in the sole opinion and discretion of the Orange County Market Place are objectionable to a family environment,
- (E) Guns, weapons, or ammunition of any kind (including but not limited to realistic toy guns, B-B guns and cap guns),
 - (F) Mylar balloons,
 - (G) Live pets or animals of any description,
 - (H) Endangered species' products of any description,
 - (I) Any item or service, the manufacture, use or sale of which constitutes infringement of any valid patent, trademark or copyright of another, or any counterfeit item or items involving a misrepresentation of any kind,
 - (J) Illegal merchandise of any kind,
 - (K) Piercing or tattooing of any kind,
 - (L) Any other item or service which in the sole and absolute discretion of the Orange County Market Place may be hazardous or otherwise objectionable to a family environment.

5.0 RESTRICTED ITEMS

Space is assigned solely for the display, sale, and/or exchange of approved merchandise or services. The Orange County Market Place, in its sole discretion reserves the right to restrict the display, sale, and/or exchange of any item or service. Items or services which are **restricted** and which require prior written approval of the Orange County Market Place include, but are not limited to, the following:

- (A) Fruits, vegetables, candy, gum, beverages, and all other food products, including food items designed to be eaten on the premises,
- (B) Tobacco products or products meant for Tobacco use of any kind,
- (C) Any consumable products that are meant to be ingested or enter the human body,
- (D) Any item designed to be consumed or ingested by animals or pets,
- (E) All services,
- (F) All furniture, mattresses or pillows,
- (G) All items that require special orders or deposits to be taken,
- (H) Items for sale or services that would necessitate physical contact between the seller and the customer,
- (I) Entertainment or games to be played or participated in by the public,
- (J) Video tapes, prerecorded tapes, cassettes, reel to reel tapes, DVD's, compact discs, computer software, video games, or any copyrighted media as it now exists or may be developed,
- (K) Temporary tattoos of any kind,
- (L) Any creams, lotions, perfumes, etc. that are applied to the skin,
- (M) Any motor driven passenger vehicles,
- (N) Yo-yo's, bubble guns and marshmallow shooters or guns,
- (O) Swords or knives other than kitchen/household knives,
- (P) Anything that is designed to be ridden (i.e. skates, Rollerblades, bicycles, scooters, etc.)
- (Q) Hash or water pipes, roach clips, or other paraphernalia commonly associated with marijuana,
- (R) Spas, hot tubs, etc.

5.1 CATEGORY IS FULL

The Orange County Market Place, in its sole discretion, has restricted the display, sale and/or exchange of various categories. Please call the corporate office for an up-to-date list of closed categories.

6.0 PRIOR WRITTEN APPROVAL

To obtain the prior written approval of the Orange County Market Place, a letter or email must be submitted to the Orange County Market Place and addressed to the Vendor Manager. (See Appendix A for the address and refer to our website at www.ocmarketplace.com for current listing of staff email addresses). In the letter or email, please introduce yourself and the product, explain exactly how you plan to operate at the Orange County Market Place, and detail what value is going to be offered to the customer, please also include prices and photos of products. The approval process takes approximately two (2) weeks. Be sure to include your name, address, and phone number so you can be contacted.

7.0 GRANTING OF EXCLUSIVES

The Orange County Market Place believes in the value of competition among our Permittees, and therefore will not grant a right to any Permittee to be the exclusive seller of a particular product or service. The Orange County Market Place, however, reserves the right to enter into agreements with any parties to exclusively provide goods or services to the Orange County Market Place or to its Permittees to be utilized in the operation of the Orange County Market Place or intended to benefit the Orange County Market Place as a whole (for example, security, medical services, information services, cleaning services, etc.).

8.0 VARIOUS LEGAL REQUIREMENTS

8.1 Permittees shall comply with all Federal, State, and local statutes or ordinances, especially as they relate to consumer protection and consumer transactions. Such statutes include, but are not limited to, the following:

- (A) California Consumer Legal Remedies Act (Civil Code Section 1750-1784 regarding prohibited methods, acts and practices);
- (B) California Penal Code Section 351a (regarding misrepresentation of goods as those other than the true manufacturer, etc.);
- (C) California Penal Code Section 537e (regarding sale of items with altered or obliterated serial or I.D. number);
- (D) California Penal Code Section 653h (regarding unauthorized sale of sound recordings);
- (E) The Song-Beverly Consumer Warranty Act (California Civil Code Sections 1790-1795.7);
- (F) California Home Furnishings Act (Business and Professions Code Sections 19000-19221);
- (G) Magnuson/Moss Warranty-Federal Trade Commission Act (15 U.S.C. Sections 2301-2312);
- (H) California Consumers Affairs Act (Business and Professions Code Sections 300-337);
- (I) California Business & Professions Code Section 21666 (regarding providing receipts);
- (J) California Civil Code Section 1723 (regarding refunds).

Failure to comply with any statute or ordinance as determined in the sole discretion of management shall constitute grounds for denial and/or termination of daily or monthly space permits and all rights thereunder.

- 8.2 Appropriate forms for reporting items for sale at the Orange County Market Place may be obtained from the Guest Services Booth if needed. Currently, all daily Permittees who have new, used, or remanufactured merchandise for sale that has a readily identifiable serial number must fill out the appropriate forms and return them to the Guest Services Booth before the close of the business day.
- 8.3 Any person desiring to engage in the sale of taxable merchandise at the Orange County Market Place must hold a valid California Department of Tax and Fee Administration Seller's Permit (see Section II, Item 9.0). This permit must be displayed inside the selling space of the Permittee.
- 8.4 Only ground space is provided to Permittee for the display, sale and/or exchange of approved merchandise by Permittee; Permittee is not an employee, subcontractor or otherwise an agent of Spectra dba Orange County Market Place.
- 8.5 Each Permittee's status as an occupant of ground space at the Orange County Market Place premises is that of a Permittee only and not as a tenant, licensee, or other form of permissive user.
- 8.6 Each Permittee agrees that Spectra is not responsible for the loss, theft or damage of Permittee's property or merchandise.
- 8.7 Any product sold by weight or volume must be weighed or measured on a scale or other type of device approved by the California Department of Agriculture, Division of Weights and Measures and have a current certificate of registration and seal of accuracy issued by the Division. This includes all items prepackaged by Permittee which are sold by weight or volume.
- 8.8 Each Permittee who has been authorized by Spectra to sell "food meant for consumption on or off the premises" is required by the Orange County Health Care Agency to obtain a health permit approving food sales at the Orange County Market Place. All Permittees must designate their business address as **88 Fair Drive, Costa Mesa, CA 92626**, on the health permit.
- 8.9 Each Permittee agrees to pay to Spectra dba Orange County Market Place reasonable attorneys' fees and costs incurred by it should legal action be instituted by reason of Permittee's failure to comply with these Operating Procedures or to enforce any of the provisions hereof.
- 8.10 Each Permittee assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Permittee's merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Permittee and/or Permittee's employees or agents. Permittee further agrees to indemnify Spectra dba the Orange County Market Place, and its officers, directors, employees, attorneys and agents from all liabilities,

claims, and damages, and to hold them free and harmless therefrom, and to defend them at Permittee's sole expense, against all such liabilities, claims and damages.

- 8.11** Any intellectual property belonging to Spectra dba Orange County Market Place is prohibited for use in advertisements, promotions, postings, publications, marketing materials, etc. unless otherwise approved by Management at the Orange County Market Place in writing. Intellectual property includes, but is not limited to, trademarks, logos, brands, slogans, etc.

9.0 SELLER'S PERMITS

Any person desiring to engage in the sale of taxable merchandise at the Orange County Market Place must hold a valid California Department of Tax and Fee Administration Seller's Permit (the "Permit").

- (A) Taxability of food and beverage sales:
In general, tax applies to sales of food products that are sold within a place where admission is charged and the food is for consumption at that place. Places where admission is charged include sports and music events, amusement parks, county fairs, swap meets and trade shows. Certain services, and the display of certain services being offered, may also be exempt from sales tax and Permittees may not be required to have a Permit. If Permittees have any questions regarding whether a Permit is required, they should call any local California Department of Tax and Fee Administration office (see Appendix A).
- (B) In lieu of a Permit, Permittees may be required to provide a written statement issued by the California Department of Tax and Fee Administration stating that they are not offering for sale any item or service that is taxable under the California Sales and Use Tax Law.
- (C) All Permittees must designate their business address as **88 Fair Drive, Costa Mesa, CA 92626**, on the Permit. No other address will be accepted. This is necessary so that the City of Costa Mesa will receive its share of the sales tax revenue. Since a Permittee cannot receive mail at this address, Permittee must also list Permittee's mailing address with the California Department of Tax and Fee Administration.
- (D) All Permits must be in the **PERSONAL NAME** (not a business name) of the individual Permittee in whose name the space is issued. The only exception is if you have a corporate sellers permit, then you must contact the corporate office to receive an authorization form.
- (E) The Permit, or the written statement of exemption, must be kept in Permittee's possession at all times while on the Orange County Market Place premises and must be presented for inspection by Orange County Market Place, California Department of Tax and Fee Administration, or law enforcement personnel if requested.
- (F) Permittees who do not obtain a Permit from the California Department of Tax and Fee Administration will be refused space assignments for the sale of taxable merchandise until such time as a Permit is obtained.
- (G) The Orange County Market Place currently pays city license fees for all sellers. Therefore at the present time a city license for an individual Permittee is not required.

10.0 CORPORATE SELLER'S PERMITS

The Orange County Market Place requires individuals to purchase space at the Orange County Market Place in the individual's personal name. That individual is required to hold a Seller's Permit in his or her personal name. There are instances where individuals who represent corporations may be allowed to use a Corporate Seller's Permit at the Orange County Market Place, but the individual must still purchase the space in his or her personal name.

- (A) To be eligible to use a Corporate Seller's Permit, the individual must be employed by the corporation and submit in writing the following items to the Corporate Office of the Orange County Market Place (see Appendix A):
 - 1) A copy of the Corporate Seller's Permit with an extension from the California Department of Tax and Fee Administration naming **a business address of 88 Fair Drive, Costa Mesa, CA 92626** [see Section II, Item 9.0 (C)].
 - 2) Complete the Corporate Authorization Form. The Form must be signed and completed by an officer of the company. Corporation must be ACTIVE and able to conduct business in the State of California.
- (B) Permittees who do **not** obtain a Permit from the California Department of Tax and Fee Administration will be refused space assignments for the sale of taxable merchandise until such time as a Permit is obtained.
- (C) The Orange County Market Place currently pays city license fees for all sellers. Therefore, at the present time, a city license for an individual Permittee is not required.

11.0 LIABILITY INSURANCE REQUIREMENTS

11.1 Each Permittee assumes full responsibility for any injury to persons or property resulting from the display, sale, exchange or use of Permittee's merchandise, vehicles, equipment, or other property; or of the assigned ground space occupied by Permittee and/or Permittee's employees or agents. Permittee further agrees to indemnify Spectra dba the Orange County Market Place, and its officers, directors, employees, attorneys and agents from all liabilities, claims, and damages, and to hold them free and harmless therefrom, and to defend them at Permittee's sole expense, against all such liabilities, claims and damages.

11.2 All Permittees shall provide evidence of insurance protecting the legal liability of Spectra from occurrences as to bodily injury liability, property damage liability, personal injury liability, and contractual liability which are limited to the operations of the Permittee.

- (A) Each Permittee shall provide Spectra with an original certificate of insurance, lawfully transacted, which sets forth the following information:
 - (1) That Spectra, its agents, officers, servants and employees are made additional insureds, but only insofar as the operations at the Orange County Market Place, 88 Fair Dr., Costa Mesa, CA. 92626.
 - (2) The dates of inception and expiration of the insurance.
 - (3) The named insured must be either the Permittee to whom the space is issued, or if the named insured is a company, the Permittee must also be listed as an additional insured.
 - (4) The amounts of liability coverage of not less than \$1,000,000 per occurrence/\$1,000,000 general aggregate annually (where an aggregate limit is

applicable to the policy), for all hazards (including contractual liability and completed operations), for all damages caused by personal injury, bodily injury, and property damage. Limits of \$1,000,000 per occurrence/\$1,000,000 general aggregate **per specialty or food vendor** for all damages caused by personal injury, bodily injury, property damage, **including products** and contractual liability. All Permittees selling consumable items are designated specialty vendors and need product liability coverage. All Permittees selling other goods and services (i.e. cosmetics, skin care, motorized vehicles, etc.) are designated specialty vendors and require product liability insurance and/or higher limits.

- (5) The insurance policy or certificate of insurance must state that it will be primary, and not contributory, with any insurance purchased by Spectra for its own operations.
 - (6) A statement by the insurance company that it will not cancel said policy or policies without giving 30 days prior notice to the insured and to Spectra.
 - (7) The insurance carrier must be rated by the A.M. Best Company, and hold a rating of at least "B+," in the financial category VI or higher.
 - (8) The Permittee's policy must cover all negligent acts of the Permittee occurring as a result of its operations at the Orange County Market Place. No limitations will be accepted.
 - (9) A standard ACORD certificate of insurance evidencing these insurance requirements must be provided to Spectra, (for mailing address see Appendix A).
- (B) **IN ADDITION, SPECTRA, IN ITS SOLE DISCRETION MAY REQUIRE HIGHER LIMITS AND/OR ADDITIONAL COVERAGE FOR SUCH ACTIVITIES OR PRODUCTS AS IT MAY DEEM NECESSARY.**
- (C) If you are a:
- (1) Monthly/Corporate Showroom Space Permittee - You must have a current annual certificate of insurance that meets our requirements on file at all times in order to sell.
 - (2) Daily Reservation, Pre-Paid Reservation, and Daily Priority Space Reservations - One of the following methods may be used:
 - (a) Have a current annual certificate of insurance that meets our requirements on file in our office.
 - (b) Use "daily" certificates that have been purchased from an agent offering these certificates for use at the Orange County Market Place.
 - (c) Purchase a "daily" type policy at the Orange County Market Place on the day that you wish to sell.
 - (3) Daily Overflow Permittee - One of the following methods may be used:
 - (a) Attach a photocopy of your annual certificate of insurance to the Application for Daily Ground Space Use Permit each day you sell at the Orange County Market Place. Your annual certificate of insurance must meet our requirements. Please note that we will keep this photocopy for our records, so we suggest that you have a back-up supply on hand as we are unable to make photocopies for you at the Orange County Market Place. This procedure will be followed even if you already have an annual certificate of insurance on file in our office.
 - (b) Use "daily" certificates that have been purchased from an agent offering these certificates for use at the Orange County Market Place

- (c) Purchase a "daily" type policy at the Orange County Market Place on the day that you wish to sell.

12.0 GUEST SERVICES

Guest Services Booth is staffed by Information Representatives who can assist with emergencies, missing persons, new seller information and other general information. Questions regarding seller and product locations are referred to Merchant Information Services located at the Directory Booth. The Guest Services Booth has information regarding new programs, changes in programs, and general information concerning the operation of the Orange County Market Place. All forms, applications, Ombudsman Procedures and Operating Procedures are available at the Guest Services Booth. Monthly Space payments accompanied by the Monthly Invitation Renewal Cards may be accepted at the Guest Services Booth if accompanied by **a cashier's check, money order, credit card, or cash for the exact amount owed.**

13.0 OPERATING PROCEDURES CONCERNING SPACES

- 13.1 Assigned space is for the sole, exclusive, and personal use of the individual Permittee to whom the space is assigned. **The Permittee agrees by payment of ground space fees to personally occupy and attend to the assigned space at all times during operating hours and to abide by these Operating Procedures.** The Permittee may not assign the ownership, management, or operation of the Permittee's assigned space to another party without prior written approval of Spectra. Permittees found not to be personally occupying the assigned space may be subject to the assessment of additional fees and/or loss of selling privileges.
- 13.2 Sharing of space is not permitted except by prior written approval of the Orange County Market Place.
- 13.3 Space may not be sold, assigned, or transferred by the Permittee and may not be occupied by any other person in place of the Permittee, whether or not affiliated with the Permittee, without prior written approval of Spectra.
- 13.4 In the event that management approves another individual to temporarily occupy a space in lieu of the Permittee, the Permittee understands and agrees that the approved individual is acting as an agent of the Permittee and that the Permittee remains responsible for the Permittee's space and all actions of the Permittee's agent and employees while they are at the Orange County Market Place.
- 13.5 Space sizes are approximately 15 feet wide (frontage) x 27 feet deep. Other non-conforming space may be assigned.
- 13.6 All spaces are assigned on a day-to-day or month-to-month basis only. There are no spaces assigned on a permanent basis. Prepayment of daily or monthly space fees, Merchant Information Services fees, insurance fees, and/or any other applicable fees does not establish any right to a space beyond the day or month for which payment was made.

- 13.7 Only the vehicle which is personally occupied by the Permittee will be admitted to the selling area.
- 13.8 No exchanging of spaces is permitted. No refunds, rain checks, or re-entry passes will be authorized.
- 13.9 All selling spaces are marked. Space boundaries are marked in blue (using the symbols "+", "T", or "L"). All display material, merchandise, and the seller's vehicle must be within these boundaries at all times. This includes set up time, selling time, and tear down time. Permittees are not permitted to do business outside the assigned space.

14.0 SETTING UP

- 14.1 No parking in the aisles is allowed at any time, and no driving inside the Orange County Market Place Selling Area is allowed during days of operation other than by a Permittee entering or exiting his or her assigned space. **For the safety of everyone at the Orange County Market Place, the maximum speed limit at the Fairgrounds is always 3 MPH.**
- 14.2 A Permittee may not set up without first installing protective devices (i.e. rubber caps) on canopy poles, table legs, display racks, chairs, etc. to prevent damage to the asphalt surface. This means that a protective device must be in place before the pole or table is raised or set up. Paper, cardboard, carpet, and carpet scraps may not be used as protective devices. Any Permittee who sets up without protective devices or with inadequate protective devices may be asked to take down and remove all or part of the Permittee's display, assessed a fee, and/or denied future space assignments.
- 14.3 All merchandise must enter with the Permittee and must remain within the space(s) assigned. No restocking or deliveries to the Permittee, nor exchanging of merchandise with another seller, is permitted at the Orange County Market Place(see Section I, Item 4.0).
- 14.4 All A Frames must be approved by management. A Frames are acceptable as long as they follow the A Frame Policy (See Page.18)

15.0 OPERATING

- 15.1 Loud music, sounds or noises which can be heard outside a Permittee's assigned space will not be allowed without prior written approval of management.
- 15.2. Each Permittee is responsible for the actions of the Permittee's employees and/or associates working with the Permittee.
- 15.3 Permittee's employees and/or agents are to park in the designated area only.
- 15.4 A Permittee may only occupy the space(s) which has been assigned to Permittee. Permittees who relocate from their assigned space(s) without authorization from the Orange County Market Place Manager will be assessed a minimum fee of \$100.00 for the unauthorized move, and future space assignments to the Permittee may be denied.

15.5 It is the Permittee's responsibility to ensure that all poles, tarpaulins, signs, display materials, merchandise, and any other items be adequately secured and weighed down at all times in such a manner to avoid causing any injury or damage to persons or property under any type of weather conditions.

16.0 ELECTRICITY

Electricity is not available. If you require electricity, generators, invertors, or batteries may be used as alternative means of generating power, but only if the noise or fumes do not create complaints from other Permittees, buyers, or Orange County Market Place management. If generators are used, you may not refuel the generator while at the Orange County Market Place. In addition, you must have an approved fire extinguisher (minimum type 2A 10BC) in a readily accessible location while any alternative power source is in use. There is no guarantee that electricity will be available in any given space in the future, whether or not it is presently available, nor is there a guarantee that you will be able to use generators in the future.

17.0 TRASH

Each space shall be kept clean at all times and all Permittees are required to take their trash with them when they leave. **The trash containers in the aisles are for customers' use only.** If a Permittee's space is found to be dirty or trash is left behind, or a Permittee's trash is found in a trash container provided for the customers' use, a minimum fee of \$100.00 will be assessed to the Permittee and future space assignments to Permittee may be denied. The management of the Orange County Market Place appreciates your efforts in helping us keep the aisles and open areas near your space clean for our customers. We take great pride in providing a safe and clean environment for sellers and customers of the Orange County Market Place.

18.0 EXITING

The Orange County Market Place officially closes at 4:00 p.m. to the public each day and Permittees must stay in full set up operation until that time. Permittees will not be allowed to leave their space prior to 4:30 p.m. Permittees attempting to leave their space prior to 4:30 p.m. without the authorization of Orange County Market Place management will be assessed a minimum fee of \$100.00 and future space assignments to the Permittee may be denied. No parking in the aisles is allowed at any time, and no driving inside the Orange County Market Place selling area is allowed during days of operation other than by a Permittee entering or exiting his or her assigned space. All Permittees must leave the premises by 6:00 p.m.

- (A) When leaving assigned space(s), Permittees must drive slowly and safely toward the nearest exit. Drive only in the aisles and not through selling spaces, occupied or empty. Pedestrians have the right of way. Do not sound vehicle horns. The maximum speed limit at the Orange County Market Place is 3 MPH (see Section II, Item 19.5).
- (B) A Permittee may leave the Orange County Market Place prior to 7:15 a.m. if the Permittee decides for any reason not to sell for that day. In order to leave, the Permittee desiring to leave prior to 7:15 a.m. must contact the Orange County Market Place representative in charge of Operations to receive a safe escort out of the Orange County Market Place.
- (C) **If an emergency arises** requiring a Permittee to leave after 7:15 a.m. but prior to 4:30 p.m., the Permittee must contact and obtain the approval of the Orange County Market

Place representative in charge of Operations who will arrange for a safe escort to the nearest exit. Documentation showing proof of emergency is required to continue selling at the Market Place. Documentation can be faxed to the corporate office, making it attention to the Vendor Manager.

19.0 OPERATING PROCEDURES CONCERNING BEHAVIOR

Failure to comply with the following operating procedures for vendor behavior and conduct can result in termination of your selling privileges with Orange County Market Place without right to refund.

19.1 No outside alcoholic beverages can be brought into or taken out of the Orange County Market Place premises or consumed on premise at any time.

19.2 Solicitation, and the distribution, or circulation of flyers, written materials, or any advertising materials are not allowed outside of a Permittee's assigned space without prior written approval of Spectra. Only materials directly relating to a Permittee's merchandise and/or business at the Orange County Market Place may be distributed from the Permittee's assigned space.

19.3 No skateboard riding, bicycle riding, scooter riding, motorcycle riding, roller skating, in-line skating, or similar activity which might endanger other persons or property is allowed at the Orange County Market Place. For the safety of everyone, Permittees that sell this type of merchandise must inform the customers of the policy at the time of sale.

19.4 No personal pets or other live animals are permitted inside the selling area of the Orange County Market Place or in parked vehicles located at the Orange County Market Place. Service Animals are welcome.

19.5 The maximum speed at the Orange County Market Place at any time is 3 MPH. This is strictly enforced because of the high volume of pedestrians present at the Orange County Market Place.

19.6 Guns, weapons, or ammunition of any kind (including but not limited to, toy guns, B-B guns and cap guns) are prohibited at the Orange County Market Place.

19.7 No profanity or harassment of any kind directed toward Orange County Market Place management or staff, other Permittees, or customers will be permitted at the Orange County Market Place.

20.0 CUSTOMER/BUSINESS RELATIONS

20.1 A Permittee shall engage in ethical and prudent business practices. Permittees shall take no action which adversely affects the rights of other Permittees or the Orange County Market Place as a whole.

20.2 **The policy of the Orange County Market Place is to provide "100% customer satisfaction."** The Orange County Market Place is not satisfied until the customer is satisfied.

If the management of the Orange County Market Place receives complaints concerning any of the business practices or policies of the Permittee, including policies related to providing refunds or exchanges of goods, it may, in the sole discretion of management, constitute grounds for denial and/or termination of daily or monthly space permits

- 20.3** If any person contacts the Orange County Market Place concerning a Permittee's space or products, Spectra will refer them to the telephone number(s) which Spectra has on record for the Permittee (business numbers are given priority). Spectra will also provide the Permittee's business name. By selling at the Orange County Market Place, a Permittee agrees to provide this information to Spectra and authorizes Spectra to make this information available to parties requesting it. Spectra will release any information concerning a Permittee as required by law or requested by a governmental enforcement agency.

21.0 OPERATING PROCEDURES FOR DAYS OF INCLEMENT WEATHER

The Operating Procedures for days of inclement weather are:

- (A) Monthly/Corporate Showroom Space Program Permittees:
- (1) Permittees may leave unescorted, prior to 7:15 a.m., through the Vanguard or Newport parking lots only.
 - (2) After 7:15 a.m., no Permittee may leave the selling area unless authorized to leave by Spectra Management or an Orange County Market Place Manager. It will be considered a regular selling day unless otherwise announced.
 - (3) After 7:15 a.m. an announcement may be made on the public address system as to which specific rows will be moved in to fill vacant spaces. Only those Permittees located on those specific rows will be authorized to move to vacant spaces. Permittees who relocate from their assigned spaces without authorization from the Orange County Market Place Manager will be assessed a minimum fee of \$100.00 for the unauthorized space use, and/or may be directed to return to their assigned spaces. In addition, future space assignments to the Permittees may be denied.
 - (4) The Orange County Market Place Manager will announce if and when the Orange County Market Place will close due to inclement weather.
 - (5) If the Orange County Market Place Manager announces that the Orange County Market Place will close, Permittees may leave the selling area. Permittees must observe the 3 MPH speed limit.
 - (6) No Permittees will be re-admitted after leaving the selling area.
 - (7) There will be no refunds or rain-checks issued to any Permittee unless Management deems it necessary to close.
- (B) Daily Reservation Permittees:
- (1) If the Orange County Market Place operates and the Permittee chooses **not** to enter the selling area to sell, it will be considered a missed reservation (see Section III, Item 3.0).
 - (2) If the Orange County Market Place closes due to inclement weather, it will not be considered a missed reservation if the Permittee chooses not to enter the selling area to sell.
 - (3) After 7:15 a.m. an announcement may be made on the public address system as to which specific rows will be moved in to fill vacant spaces. Only those

Permittees located on those specific rows will be authorized to move to vacant spaces. Permittees who relocate from their assigned spaces without authorization from the Orange County Market Place Manager will be assessed a minimum fee of \$100.00 for the unauthorized space use, and/or may be directed to return to their assigned spaces. In addition, future space assignments to the Permittees may be denied.

- (4) The Orange County Market Place Manager will announce if and when the Orange County Market Place will close due to inclement weather.
- (5) If the Orange County Market Place Manager announces that the Orange County Market Place will close, Permittees may leave the selling area. Permittees must observe the 3 MPH speed limit.
- (6) No Permittees will be re-admitted after leaving the selling area.
- (7) There will be no refunds or rain-checks issued to any Permittee unless Management deems it necessary to close.

A Frame Policy

Standard size: 24in. x 36in.

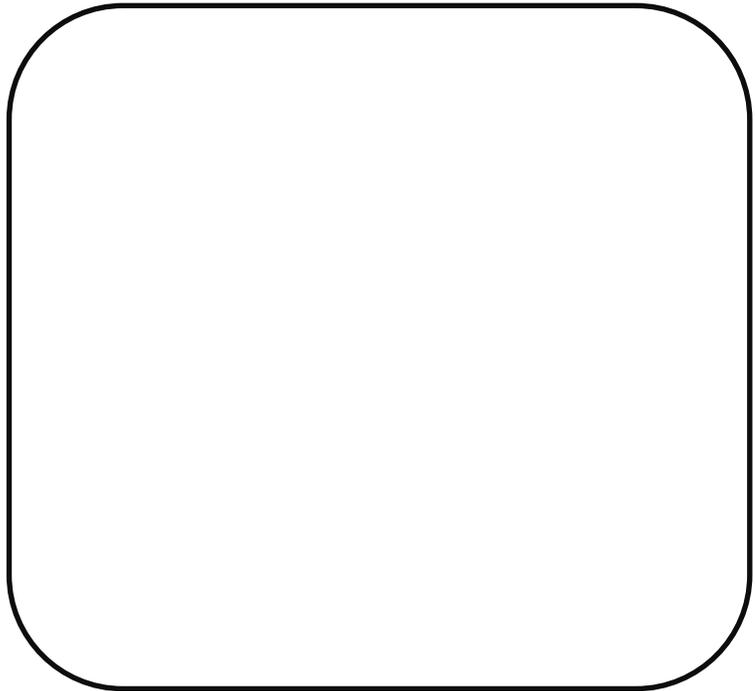
Must be weighed down

Placement to be determined at time of approval.

All verbiage or pictures must be approved by OCMP Management prior to displaying

As a vendor I understand that placing an A-Frame in the selling area is a privilege not a right. At any time the Orange County Market Place management can revoke that privilege to display. I also understand that this is to enhance and promote what I currently sell at the Market Place. All Orange County Market Place policies should be adhered to at all times.

A Frame Picture



X

Print Name

X

Signature

X

Market Place Management

SECTION III

APPLICABLE FEES

1.0 SPACE FEES

All current daily fees (space fees, insurance fees, Merchant Information Services fees, and any other applicable fees) are available at the Guest Service Booth on the weekends or by calling the corporate office Monday thru Friday between the hours of 9:00 a.m. and 5:00 p.m. (see Appendix A). All fees are subject to change at any time and without notice.

2.0 DAILY INSURANCE FEES

Every seller at the Orange County Market Place is required to carry insurance meeting the requirements listed in Section III, Items 11.1 and 11.2.

- (A) **Monthly/Corporate Showroom Space Permittees** - Must have a current annual certificate of insurance that meets our requirements on file at all times in order to sell.
- (B) **Daily Reservation Permittees** - One of the following methods may be used:
 - (1) Have current annual certificate of insurance that meets our requirements on file in our office (see Section II, Items 11.1 and 11.2)
 - (2) Use "daily" certificates that have been purchased from an agent offering these certificates for use at the Orange County Market Place.
 - (3) Purchase a "daily" type policy at the Orange County Market Place on the day that you wish to sell.
- (C) **Daily Overflow Permittee** - One of the following methods may be used:
 - (1) Attach a photocopy of your annual certificate of insurance to the Application for Daily Ground Space Use Permit each day you sell at the Orange County Market Place. Your annual certificate of insurance must meet our requirements (see Section II, Items 11.1 and 11.2). Please note that we will keep this photocopy for our records, so we suggest that you have a back-up supply on hand as we are unable to make photocopies for you at the Orange County Market Place. This procedure will be followed even if you already have an annual certificate of insurance on file in our office.
 - (2) Use "daily" certificates that have been purchased from an agent offering these certificates for use at the Orange County Market Place.
 - (3) Purchase a "daily" type policy at the Orange County Market Place on the day that you wish to sell.

3.0 MISSED RESERVATION PROCESSING FEE

If you are a Daily Telephone Reservation or Permittee, a processing fee of \$20 for each day missed will be assessed and must be paid on the morning of your next reservation day. Cash payment only is accepted. If you have a Pre-Paid Reservation or a Daily Priority Reservation, no cancellations will be accepted and no rain check or refund will be given.

4.0 PRIORITY DAILY RESERVATION REQUEST PROCESSING FEE

By requesting a Priority Daily Reservation, with which the vendor can request a specific space, at the Guest Services Booth, and upon approval of your request, you will receive a reservation for Saturday, Sunday or both days for the following weekend. **All requests must be accompanied by a Daily Priority Reservation Processing Fee of \$40 submitted in the form of cash, credit card, a Cashier's Check or Money Order made payable to Spectra.** It is fully understood that this fee, if accepted by the Orange County Market Place, confirms the reservation only. All applicable Space fees, Insurance fees, Merchant Information Services fees, and any other applicable fees will still apply and be due at the time of space selection in exact change. Space fees must be paid in full and there are no cancellations, rain checks or refunds in this program.

5.0 SPACE TRANSFER FEE

On the morning of the event vendors may request to transfer their space to another available space for a space transfer fee of \$40 or the current Priority Premium Rate. Space Transfers will take place at approximately 7:30am, after all Reservation Sellers have been admitted to the Market Place. Current space transfer fees are available at the Guest Services Booth on the weekends or by calling the corporate office, Monday through Friday between the hours of 9:00am and 5:00pm (see Appendix A).

6.0 REINSTATEMENT FEE

If a monthly vendor drops their space(s) and decides to come back in six (6) months or less, a Reinstatement Fee of \$300 will be applied at the time of return. Same assigned space prior to dropping and current rate is not guaranteed.

FEE SCHEDULE

FEES

<i>Daily Vendor Late/ No Show</i>	\$20
<i>Daily Space Transfer (or current Premium Fee)</i>	\$40
<i>Monthly Vendor Late Space Rent Payment</i>	\$20
<i>Monthly Vendor Overnight Program</i>	\$30
<i>Monthly Vendor Relocation (per space)</i>	\$100
<i>Business Transfer (per space)</i>	\$250

PENALTY FEES

<i>Unauthorized Overnight Setup</i>	\$100
<i>Unauthorized OCMP Dumpster/ Trash Usage</i>	\$100
<i>Unauthorized Space Move</i>	\$100
<i>Reinstatement</i>	\$300

***Any Orange County Market Place Policy violation is subject to a \$100 fee.**

PLEASE NOTE: ALL FEES ARE SUBJECT TO CHANGE AT ANY TIME WITHOUT NOTICE.

SECTION IV

TYPES OF PERMITTEES AND SELLING PROCEDURES

The following is a list of selling programs. Please refer to the Orange County Market Place website at <http://www.ocmarketplace.com> or the Guest Services Booth for any supplements or amendments that may list other current selling programs.

1.0 OVERFLOW - DAILY PERMITTEES WITHOUT RESERVATIONS:

- (A) Permittees without reservations who wish to sell at the Orange County Market Place must arrive at Gate #2 (Vanguard entrance) between 7:00am and 7:30am (For current times check at Guest Services). Do not arrive early as parking on or around the Fairgrounds or lining up in the streets prior to your check in time is prohibited. This is at the request of the City of Costa Mesa to help prevent complaints from our neighbors and to help alleviate the hazard of being parked in the streets and entrances. There is no guarantee that space will be available; if none is available, you will be unable to sell that day at the Orange County Market Place. Individual space assignments are made at random and are not dictated by the order of arrival, so please drive carefully. **For the safety of everyone at the Orange County Market Place, the maximum speed limit at the Fairgrounds is always 3 MPH.**
- (B) Overflow Permittees will adhere to the following:
- (1) Once you arrive, **PLEASE STAY IN LINE, IN YOUR VEHICLE; THE DAILY APPLICATION, DAILY INSURANCE FORM AND MERCHANT INFORMATION SERVICE FORM WILL BE GIVEN TO YOU.** Only one (1) vehicle is allowed per Permittee and it must contain **the Permittee** and all of the Permittee's merchandise and display material.
 - (2) Read all Operating Procedures to know what goods and services cannot be sold or are restricted (see Section II, Items 4.0 and 5.0), and what is expected of each Permittee.
 - (3) Complete the Application for Daily Ground Space Use Permit, the Merchant Information Services card, and insurance card (if necessary) which are provided at the Orange County Market Place each morning.
 - (4) Have your driver's license or government issued I.D. with photograph, OCMP Vendor ID Card, California Retail Seller's Permit (see Section II, Item 9.0), a photocopy of your annual insurance certificate that names Spectra as additional insured, or a completed daily insurance certificate (see Section II, Items 11.1 and 11.2), and the Application for Daily Ground Space Use Permit out and ready to be checked.
 - (5) **Have the exact space fee, Merchant Information Services fees, daily insurance fee (if needed), and any other applicable fees ready for the cashier in the EXACT CHANGE. (CASH ONLY!!) No bill larger than \$20.00 will be accepted and no change will be given.** You will need to give the cashier your Application, Merchant Information Services card, photocopy of your annual insurance certificate that names Spectra as additional insured, or daily insurance certificate.

- (6) Proceed to your assigned space. After being admitted, place the receipt face up on the dash of your vehicle so that it may be checked at any time by Orange County Market Place personnel. **Your vehicle must remain in your assigned space until 4:30 p.m.** Changing your assigned space is prohibited. Any and all unauthorized space changes are subject to an unauthorized move fee. At the time you are given your space assignment, you may leave if you do not wish to sell in the assigned space, but **no refund will be made.**

2.0 TELEPHONE RESERVATIONS & PREPAID RESERVATIONS - DAILY PERMITTEES WITH RESERVATIONS:

- (A) Telephone Reservations for daily sellers are obtained **by telephone only** by calling the corporate office beginning at 10:00 a.m. on the Tuesday preceding the weekend you wish to sell (see Appendix A). Give the operator your last name, first name, the type of merchandise you sell, and indicate whether you are requesting a reservation for Saturday only, Sunday only, or both days. If you have a reservation, **only one (1) space** will be reserved for you by default. Additional spots available upon request. **After the reservation has been made no cancellations will be accepted.** If more than one (1) reservation is made in your name, all reservations in the same name will be cancelled. In order to insure a diversified mixture of products at the Orange County Market Place, we may not always be able to accept reservations in certain product categories for everyone who desires a reservation for the upcoming weekend. If a reservation is denied for this reason, you may still try the Overflow Program (see Section IV, Item 1.0). Any person who interferes with the telephone reservation process may be denied future reservations or selling privileges.
- (B) Reservation Permittees will adhere to the following:
 - (1) Enter the Gate #2 (Vanguard and Fair Dr.) between 6:00 a.m. and 6:45 a.m. Once you arrive, **PLEASE STAY IN LINE, IN YOUR VEHICLE; THE DAILY APPLICATION, DAILY INSURANCE FORM, AND MERCHANT INFORMATION SERVICE FORM WILL BE GIVEN TO YOU.** Only one (1) vehicle is allowed per reservation and it must contain **the Permittee** and all of the Permittee's merchandise and display material.
 - (2) Do not arrive early as parking on or around the Fairgrounds or lining up in the streets prior to your check in time is prohibited. This is at the request of the City of Costa Mesa to help prevent complaints from our neighbors and to help alleviate the hazard of being parked in the streets and entrances. Individual space assignments are made at random and are not dictated by the order of arrival, so please drive carefully. **For the safety of everyone at the Orange County Market Place, the maximum speed limit at the Fairgrounds is always 3 MPH.**
 - (3) Read all Operating Procedures to know what goods and services cannot be sold or are restricted (see Section II, Items 4.0 and 5.0), and what is expected of each Permittee.
 - (4) Complete the Application for Daily Ground Space Use Permit, the Daily Insurance, and the Merchant Information Services card which are provided at the Orange County Market Place each morning.

- (5) Have your driver's license or government issued I.D. with photograph, OCMP Vendor ID Card, California Retail Seller's Permit (see Section II, Item 9.0), a photocopy of your annual insurance certificate that names Spectra as additional insured, or a completed daily insurance certificate (see Section II, Items 11.1 and 11.2), and the Application for Daily Ground Space Use Permit out and ready to be checked.
 - (6) **Have the exact space fee, Merchant Information Services fees, daily insurance fee (if needed), and any other applicable fees ready for the cashier in the EXACT CHANGE. (CASH ONLY!!) No bill larger than \$20.00 will be accepted and no change will be given.** You will need to give the cashier your Application, Merchant Services card, and daily insurance certificate (if applicable).
 - (7) Proceed to your assigned space. After being admitted, place the receipt face up on the dash of vehicle so that it may be checked at any time by Orange County Market Place personnel. **Your vehicle must remain in your assigned space until 4:30p.m.** Changing your assigned space is prohibited. Any and all unauthorized space changes are subject to an unauthorized move fee. At the time you are given your space assignment, you may leave if you do not wish to sell in the assigned space, but **no refund will be made.**
- (C) All Telephone Reservation Permittees who fail to arrive by 6:45 a.m. on any day for which they have a reservation will lose their reservation and be required to pay a missed reservation processing fee of \$20 for the reservation (see Section III, Item 3.0). Reservation Permittees who have missed their reservation may still participate in the Overflow Program where they will be subject to all fees and conditions as outlined in Section IV, Item 1.0. Payment by a Cashier's Check or Money Order in the amount of the processing fee for each day missed may be mailed to the Orange County Market Place (see Appendix A).

3.0 PRIORITY PROGRAM:

- (A) Program Description: If a vendor wishes to select a specific spot at the Market Place, from available spaces, rather than participate in the random space assignment, vendors may participate in the Priority Space Selection Program.
- (B) Space selection takes place one weekend prior to the event date you wish to attend. Selection is completed at the Guest Services Booth located at the Market Place on Saturday and Sunday between 8:00AM and 3:00PM. Currently the selection is done on a first come, first served basis. However, management has the right to institute a lottery system on an as needed basis if the number of vendors participating increases, creating a demand for spaces.
- (C) The vendor must be currently registered in the database and selling approved merchandise. Please bring your OCMP Vendor ID card and seller's permit to the Guest Services window and let the representative know you would like to participate in the Priority Space Selection Program.
- (D) The Guest Services Representative will ask you which space(s) you are interested in selecting. If the spaces(s) you want to select are not available, you may ask for a different space. We recommend you have a couple of different space options in mind in case your first choice is not available.

(E) Payment and Fees

Single Space = \$90.00/day (includes a \$40.00 premium)

Double Space= \$140.00/day (includes a \$40.00 premium)

Merchant Information Service = \$7.00/day (Same as one (1) or more spaces)

Daily Insurance = \$8.00 (Same as one (1) or more spaces, unless approved Annual Insurance is on file at OCMP corporate office)

- (F) Once you make your space selection, the OCMP representative will enter your request in the database and provide you a receipt showing the space(s) you selected and the dates you reserved. **Please review your receipt carefully. All sales are final. No refunds or rain checks may be given once fees are paid.**
- (G) Please keep your receipt in a safe place. You will be required to show your receipt at check in on the morning of the event for which you reserved.
- (H) Check in time for Priority Sellers on the morning of the event will be 6:00AM to 7:15AM. Vendors will enter Gate 2 at Fair Drive and Vanguard. Proceed to the right lane for check in and processing. Make sure to have your receipt and OCMP Vendor ID card ready to hand the cashier for processing. **If you are late, or absent, you will lose your pre-paid space fee. There are no refunds, credits or transfers.**
- (I) At the manager's discretion, and if space is available, exchanges may be done at no additional cost on the morning of the event.

4.0 CORPORATE AND SERVICE SPACE PROGRAM PERMITTEE:

- (A) Participation in this program is only through invitation by the Orange County Market Place. An invitation to participate does not guarantee that future invitations will be offered.
- (B) Space assignments for the Service Space Program Permittees are at the sole discretion of management. Spaces are assigned on a non-recurring basis. There is no warranty that the Permittee will be assigned to any particular space, whether or not the Permittee has been assigned to that space previously.
- (C) Permittees who hold Service Space Program space assignments will be subject to Section II, Item 11.2 (C).
- (D) Permittees who hold Service Space Program assignments will be required to pay the Corporate/Service Space fee in advance.
- (E) Service Space Permittees are required to maintain a current annual insurance policy (see Section II, Items 11.1 and 11.2) and California Retail Seller's Permit (see Section II, Item 9.0).
- (F) For additional information, contact the Corporate Office (see Appendix A).

5.0 MANUFACTURER'S OUTLET PROGRAM PERMITTEE:

- (A) Participation in this program is only through invitation by the Orange County Market Place. An invitation to participate does not guarantee that future invitations will be offered.
- (B) Space assignments for the Manufacturer's Outlet Space Program Permittees are at the sole discretion of management.
- (C) Permittees who hold Manufacturer's Outlet Space Program assignments will be required to pay the Manufacturer's Outlet Space fee.
- (D) Manufacturer's Outlet Space Permittees are required to maintain a current annual insurance policy (see Section II, Items 11.1 and 11.2) and California Retail Seller's Permit (see Section II, Item 9.0).
- (E) For additional information, contact the Corporate Office (see Appendix A).

6.0 MONTHLY SPACE PROGRAM PERMITTEE:

- (A) **A Permittee must have sold on at least three (3) prior occasions at the Orange County Market Place before application can be made for a monthly space permit.** Applications may be obtained from the Guest Services Booth at the Orange County Market Place during operating hours. To apply for a monthly space, Permittees must submit the monthly application and photographs of their displays to the Corporate Office to be considered by the review committee (see Appendix A). Applications and photographs will remain on file for six months. Permittees will be notified if the application is approved.
- (B) Those Permittees selected to become Monthly Permittees are determined at the sole discretion of Spectra. Some of the criteria used are:
 - (1) The ability to create a fun experience for our customers;
 - (2) The ability to engage the customer;
 - (3) The ability to offer the customers good value and to demonstrate that value;
 - (4) The dedication to providing 100% customer satisfaction.
 - (5) The ability to conceal the Permittee's vehicle and create a display that enhances the presentation of the Orange County Market Place.
 - (6) Offering for sale unique items not commonly found in retail trade; and
 - (7) The availability of space for the monthly space program.
- (C) Monthly Permittees will adhere to the following:
 - (1) Enter through designated seller entrances and designated hours only.
 - (2) Do not arrive early, as parking on or around the Fairgrounds or lining up in the streets prior to your check in time is prohibited. This is at the request of the City of Costa Mesa to help prevent complaints from our neighbors and to help alleviate the hazard of being parked in the streets and entrances. **For the safety of everyone at the Orange County Market Place, the maximum speed limit at the Fairgrounds is always 3 MPH.**
 - (3) **Have OCMP Vendor ID Card and driver's license or government issued I.D. with photograph out and ready to be checked prior to arriving at the entrance.** Only one (1) vehicle is allowed per Permittee and it must contain all merchandise and display material. Proceed to your assigned space. Changing your assigned space is prohibited. Any and all unauthorized space changes are subject to an unauthorized move fee. (Reference the Fee Schedule on page 21) Your **vehicle must remain in your assigned space until 4:30 p.m.**

- (4) If Permittee does not arrive by 7:15 a.m., the assigned space may be reassigned without further notice or refund. However, if you still wish to sell that day, notify any employee at the Fair Drive and Vanguard Gate that you have a monthly space (give the space number to the employee). An attempt will be made to hold your originally assigned space; if not available, management will attempt to get you into the Orange County Market Place to sell in another space. You will be charged the daily rate for your space.
- (5) Management, in its sole discretion, reserves the right to reassign monthly spaces on a daily basis where Permittee fails to use such space during the term of a monthly permit.
- (6) There will be a minimum charge of not less than \$25.00 for any duplicate Vendor ID Card, should the original become lost.
- (D) Monthly Space Permittees are provided Merchant Information Services at NO ADDITIONAL COST. This service is covered by The Orange County Market Place, and may be discontinued at any time.
- (E) Monthly Space Permittees are required to maintain a current annual insurance policy (see Section II, Items 11.1 and 11.2) and California Retail Seller's Permit (see Section II, Item 9.0).
- (F) To take advantage of the Early Payment Discount you must make your monthly payment on or before the 10th of each preceding month. For example, if a Permittee is paying for the month of March, payment for the space fees must be postmarked no later than February 10th to get the discount. The last day to make your monthly payment without the discount is the 20th of each preceding month. Failure to pay on or before the 20th will be issued a Late Fee Charge of \$20.

6.1 MONTHLY SELLER MEDICAL LEAVE OF ABSENCE POLICY:

Medical Leave of Absence is only approved for the name of the vendor listed on file and immediate family member (i.e. spouse, child, sibling, or parent). The Market Place will request documentation for proof of relationship to vendor listed on file.

- (A) Medical Leave of Absence may be approved for a maximum of 3 months. Request for more than a 3- month time limit will be reviewed on a case by case basis.
- (B) Request for Medical Leave of Absence must be submitted in writing to the corporate office at least 30 days prior to start of medical leave and no later than 1 week for emergency situations.
- (C) An approved doctor's note must be submitted with request indicating days of leave.
- (D) If approved, the Market Place will HOLD your monthly space for the time requested and the space may be sold on a daily basis during your absence.
- (E) There is no guarantee that during your absence, your space rent will not be based on some formula to be determined in the future. You should not rely on your present space rent as an indication or guarantee that it will remain the same; you space rent is subject to change at any time upon 30 days' notice. Your payment of your space rent shall be deemed to be, and is your agreement to the foregoing.
- (F) You will NOT be required to pay your monthly space rent during your approved medical leave of absence.
- (G) If you choose to come back during your approved leave of absence, you can write a letter to the corporate office and must give us a 30- day notice prior to the month you

choose to return. There is no guarantee your monthly space will be available. Payment for the space is due upon return.

- (H) Should you decide to participate as a DAILY seller at The Market Place during your leave of absence in the Telephone Reservation Program your space will be selected at RANDOM. There is no guarantee your monthly space will be available during your leave of absence.
- (I) If you do not notify the Market Place 30 days prior to your return from your Medical Leave of Absence, you may be dropped from the monthly seller program and you will no longer be assigned your monthly space.

Operating Procedures

APPENDIX A

Telephone Numbers and Addresses

Orange County Market Place Corporate Office.....	(714) 557-0420
Orange County Market Place Corporate Office Fax.....	(714) 957-9116
Orange County Market Place Food Services Office.....	(714) 557-7055
Orange County Market Place Buyer Information.....	(949) 723-6616
Orange County Market Place Seller Information.....	(949) 723-6606
California Department of Tax and Fee Administration (Irvine)	(949) 440-3473
Orange County Health Care Agency.....	(714) 433-6000

All inquiries regarding the Orange County Market Place should be directed to the above telephone numbers and **not to the OC Fair & Event Center.**

WEBSITE:

www.ocmarketplace.com

Insurance Correspondence

General Correspondence

Suggestions

Requests for Authorization to Sell

Applications for Monthly Ground Space Permit

No-Show/Missed Reservation Payments

Mail to: Orange County Market Place
P.O. Box 11929
Costa Mesa, CA 92627-0293

Monthly Seller Payments

Mail to: Orange County Market Place
P.O. Box 2214
Costa Mesa, CA 92628-2214