

**ADDENDUM #1
SOLICITATION # 2018-M5-SB**

TO

REQUEST FOR PROPOSALS

FOR

**THE OPERATION OF TWO FOOD KIOSKS IN THE BOSQUE
AND ONE CAFÉ IN PETER MINUIT PLAZA**

AT

**THE BATTERY
MANHATTAN**



RFP ISSUE DATE:

March 21, 2018

ADDENDUM #1 ISSUE DATE:

March 28, 2018

One Whitehall Street, 17th Floor, New York, NY 10004
www.thebattery.org

RFP - Revision as to number of facilities available for proposals

The Battery Conservancy (TBC) and the New York City Department of Parks & Recreation (DPR) request proposals for the operation of two food service kiosks within the four-acre Bosque gardens at The Battery, Manhattan and a café located in the New Amsterdam Pavilion in Peter Minuit Plaza, the forecourt of Whitehall Terminal, where Staten Island ferry passengers embark and disembark.

TBC and DPR are issuing this addendum to include an additional café location at Peter Minuit Plaza, and to provide additional and clarifying information for the Request for Proposals (RFP) issued on March 21, 2018, for the Operation and Maintenance of Two Existing Food Kiosks in the Bosque at The Battery, Manhattan.

We seek talented and experienced food service professionals to propose operation of one, two, or all three of these food service facilities.

TERM

TBC is seeking concessionaire(s) beginning approximately June 1, 2018 through February 26, 2019 with up to two optional renewal years, to be exercised at the mutual agreement of TBC and the concessionaire(s). February 26, 2019 is the termination date of TBC's Sole Source License Agreement with DPR. No longer term will be considered. An incumbent concessionaire operates the two Bosque Kiosks through May 31, 2018. The concession(s) will be operated pursuant to a sub-license agreement with TBC and will also be subject to the requirements of two license agreements between DPR and TBC; no leasehold or other proprietary right is offered.

PROJECT MANAGER

The TBC Project Manager for this/these concession(s) is Hope Cohen, TBC's Chief Operating Officer. All RFP questions and/or inquiries should be directed to her. She may be reached at:

Phone: 917.409.3710

Email: hope.cohen@thebattery.org



If you have a hearing impairment, please call the following toll-free number and leave a message on the Telecommunication Device for the Deaf (TDD). The TDD number is (212) 504-4115.

RFP TIMETABLE

RFP Release Date: March 21, 2018

Proposer Meeting and Site Tour: March 27, 2018 at 10am

Proposals Due: April 6, 2018 at 3pm



If you have a physical disability and cannot deliver your proposal to the TBC office, please contact the Project Manager(s) at least 48 hours prior to the deadline to make alternative arrangements.

There will be an optional proposer meeting and site tour. We will be meeting at the Bosque Fountain in The Battery and continuing on to Peter Minuit Plaza. Those considering responding to this RFP should plan to attend this meeting and site tour.

PROJECT COMPONENTS

A. OPERATIONAL OVERVIEW

The Bosque kiosks and their surrounding outdoor café space are owned by the City of New York, administered by DPR and licensed to TBC. Likewise, the New Amsterdam Pavilion and its surrounding outdoor café space are owned by the City of New York, administered by DPR and licensed to TBC. Since 2009, the entire Peter Minuit Plaza has been New York City parkland, administered by DPR and largely maintained by TBC.

The successful proposer(s) will be awarded concession rights to provide food service at one or both Bosque kiosks and/or the New Amsterdam Pavilion and to reserve a cordoned portion of each café to seat customers who purchase alcoholic beverages from that particular café.

Please refer to Attachment #2 for detailed site plans delineating licensed premises of the Bosque and of Peter Minuit Plaza. Attachment #1, available upon request, is the lengthy DPR license to TBC controlling the licensed premises.

Note: Sometime in 2018, the City of New York will employ a portion of the Pavilion for sale of tickets for ferry service to Liberty and Ellis Islands. The exact timing of and space required for this operation is not yet determined. The proposals solicited in this RFP are for **food and beverage service only** and do not include ticket vending.

1. Operational Plan

Proposers should submit a detailed operational plan for each of the entire Licensed Premises being proposed. This plan should include, but not be limited to, hours of operation, services to be provided, any plans to install energy efficient appliances that have the Energy Star seal of approval and/or water conserving appliances, and any plans to use “Green Seal” or other environmentally friendly products or devices, staffing plans, safety and security plans, menu, merchandise to be sold, programming plans, mechanisms to measure customer satisfaction, a detailed list of all proposed fees and prices, and a maintenance plan including snow removal, rubbish removal, and cleaning schedules.

All plans, schedules, services, menu items, merchandise, prices and fees, and hours of operation are subject to TBC’s and DPR’s prior written approval.

2. Hours of Operation

The Bosque is open from early morning until midnight every day of the year. TBC and DPR encourage proposals to include breakfast, lunch, and evening food service, 7 days per week, from the start date of this concession, June 1, 2018, through at least October 31, 2018.

Peter Minuit Plaza is a major commuter hub, the site of 24-hour, 365-day-per-year operation of the Staten Island Ferry and three subway lines (1, R, W). It is also the terminus for multiple bus routes. TBC and DPR encourage proposals to include breakfast, lunch, and evening food service for the entire year.

Proposers should submit their intended hours of operation, which will be subject to approval by TBC and DPR. Any changes to operating hours/schedule must be approved by TBC and DPR and do not relieve the concessionaire(s) from any other obligations under the sublicense, including the payment of all fees.

3. Food Service

The concessionaire(s) will be required to operate and maintain food service at a high standard of quality. The Bosque Kiosks and New Amsterdam Pavilion café should contribute to the ambience of the park and surrounding area while providing convenient service to the public.

Proposers should submit a menu and price list in their proposals that demonstrate quality, variety, and affordability. Proposers should include some low-cost items on their menus. TBC and DPR will view favorably proposals which incorporate healthy food choices, such as fresh fruit, yogurt, nuts, granola bars, protein bars, bottled water, juices, smoothies, etc., as well as diversity of ethnic origin, reflective of New York's cultural multiplicity. All prices and menu items are subject to TBC's and DPR's prior written approval.

As this/these concession(s) will be sublicense(s) of the TBC license from DPR, further sublicensing of food services by the concessionaire(s) will not be permitted.

DEPARTMENT OF HEALTH AND MENTAL HYGIENE (DOHMH) INFORMATION

Any staff assigned by the concessionaire(s) to sell food and beverages to the public must possess all Federal, State, and City authorizations, and possess, and at all times display, appropriate New York City Department of Health and Mental Hygiene (DOHMH) permits. **The concessionaire(s) may only operate the food service facility (or facilities) if he or she has (or they have) obtained the appropriate, valid permits and authorizations required by DOHMH.** At all times that the food service facilities are operating, a staff person with a valid DOHMH food handler's license must be present.

(To obtain a DOHMH license, contact the Citywide Licensing Center, 42 Broadway, 5th floor, Monday through Friday 9:00 am to 5:00 pm, or by phone at 311 or 212-New York. Note: Offices are closed during City/Public Holidays. Vendors should be aware that applying for a DOHMH license for the first time can take six weeks or more. Vendors operating without all necessary permits may be subject to fines and/or confiscation of merchandise and inventory.)

DOHMH Letter Grades: Food Facilities (i.e. Snackbars, Restaurants, etc.)

Proposers should note that this food facility is subject to a Department of Health and

Mental Hygiene letter grading program. The current program is codified in Health Code Article 81.51 and Chapter 23 of Title 24 of the Rules of the City of New York and is described at: <http://www1.nyc.gov/site/doh/business/food-operators/letter-grading-for-restaurants.page>

4. *Alcoholic Beverages [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
5. *Tables & Chairs [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
6. *Vehicle Access [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
7. *Staff [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
8. *Storage and Inventory [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
9. *Maintenance [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
10. *Rubbish Removal & Recycling [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
11. *Signage and Advertising [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
12. *Internal Controls [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
13. *Naming of the Concession [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
14. *Utilities [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
15. *Drought & Water Conservation Issues [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
16. *Environmental Considerations [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
17. *Special Events [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
18. *Security [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
19. *Safety [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*

20. *Community Relations [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
21. *Customer Service [Other than number of concessionaire(s) referenced, unchanged from original RFP.]*
22. *Identification & Address [Other than correction of the numbering of this subsection and the number of concessionaire(s) referenced, unchanged from original RFP.]*
23. *No Exclusive Vending Rights [Other than correction of the numbering of this subsection and the number of concessionaire(s) referenced, unchanged from original RFP.]*

B. OPERATIONAL ENFORCEMENT [OTHER THAN THE NUMBER OF CONCESSIONAIRE(S) REFERENCED, UNCHANGED FROM ORIGINAL RFP.]

C. CAPITAL IMPROVEMENTS

TBC and DPR do not currently anticipate a need for capital investment by the concessionaire(s), other than for outfitting and/or upgrading the kitchen equipment in the Bosque Kiosks and/or New Amsterdam Pavilion café. Should more extensive capital work be needed (“Supplemental Capital Work”), the concessionaire(s) will be required to perform such work and its cost will be supplemental to the yearly operation fee (“Minimum Guaranteed License Fee”) and will not be deducted, reduced, or offset against such Minimum Guaranteed License Fee. The concessionaire(s) will also be required to obtain prior written approval from TBC and DPR to retain a professional licensed engineer or registered architect approved by TBC and DPR to oversee construction. This supervising architect or engineer will be required to ensure that all construction conforms to the plans approved by TBC and DPR.

All capital improvements and fixed equipment become the property of DPR upon installation. The concessionaire(s) will be required to supply all additional equipment and materials necessary for the successful operation of the concession(s). TBC and DPR concessionaire(s) may request a sales tax waiver for all sales tax costs associated with the capital expenditures on DPR concession(s).

All necessary permits and approvals for capital work and design must be obtained from the New York City Department of Buildings (DOB) including, but not limited to, obtaining a Certificate of Occupancy, Public Assembly Permit or Letters of No Objection, as needed. Additionally, all designs and construction to be performed on the structure shall be prepared by licensed architects or engineers and will require prior written approval from TBC, DPR, DOB, and/or any other agency having jurisdiction. The concessionaire(s) will be required to provide TBC and DPR with all plans and specifications upon completion of construction documents.

D. ADDITIONAL REQUIREMENTS DURING THE LICENSE TERM [OTHER THAN NUMBER OF CONCESSIONAIRE(S) REFERENCED, UNCHANGED FROM ORIGINAL RFP.]

RFP PROCEDURE

A. PROPOSAL SUBMISSION INSTRUCTIONS

The proposal should be printed on both sides of 8 ½" x 11" paper. Pages should be numbered. TBC and DPR request that all proposals be submitted on paper with no less than 30% post-consumer material

content, i.e., the minimum recovered fiber content level for reprographic papers recommended by the United States Environmental Protection Agency (for any changes to that standard please consult: <https://www.epa.gov/smm/comprehensive-procurement-guidelines-paper-and-paper-products>)
The proposer should state whether its response is printed on recycled paper containing the minimum percentage of recovered fiber content as requested by the City in these instructions. Failure to comply with any of the instructions set forth in this paragraph will be considered non-responsive.

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. Oversized drawings may be submitted, but must be accompanied by 8½" x 11" sectionals or reductions to 8½" x 11." No telegraphic or facsimile proposals will be accepted. The proposal will be evaluated on the basis of its content, not length.

Please submit four (4) copies of your proposal. The following information should be printed on the outside of the envelope:

Proposer's Name & Address

Solicitation No.: 2018-M5-SB
Proposals Due: Friday April 6, 2018 at 3pm
Location of Submission: The Battery Conservancy
One Whitehall Street, 17th floor
New York, NY 10004

B. PROPOSAL SUBMISSION REQUIREMENTS

Each proposal submitted must meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

1. Each proposer must submit a proposal that includes a fee offer for each year of the operating term. At TBC's and DPR's request, each proposer shall submit documentation, satisfactory to TBC and DPR, demonstrating that it has the financial capability to pay the fees set forth in its proposal. Failure to provide such documentation will result in a determination of non-responsiveness.
2. Each proposer is required to submit as a proposal deposit a certified bank check, official bank check, or cashier's check in the amount of \$5,000 (payable to The City of New York – Department of Parks & Recreation) for a proposal for each Bosque Kiosk. A proposal for the two kiosks together requires a deposit for \$10,000. Each proposer is required to submit as a proposal deposit a certified bank check, official bank check, or cashier's check in the amount of \$15,000 (payable to The City of New York – Department of Parks & Recreation) for a proposal for the café in the New Amsterdam Pavilion. Personal or business checks will not be accepted. In the event of the failure of the successful proposer(s) to execute a concession agreement(s) in accordance with the terms of its proposal, the deposit(s) shall be retained by DPR unless the proposal has been permitted to be withdrawn. Proposal deposits will be returned to unsuccessful proposers after the concession agreement(s) is (or are) signed with the successful proposer(s).
3. *Unchanged from original RFP.*
4. *Unchanged from original RFP.*
5. *Unchanged from original RFP.*

C. PROPOSAL CONTENT GUIDELINES [UNCHANGED FROM ORIGINAL RFP]

EVALUATION AND SELECTION PROCEDURES [UNCHANGED FROM ORIGINAL RFP]

OTHER GENERAL RFP REQUIREMENTS AND CONDITIONS [UNCHANGED FROM ORIGINAL RFP]

PROPOSERS SHOULD NOTE THAT ANY ADDITIONAL INFORMATION NOT INCLUDED IN THIS ADDENDUM AND/OR ANY FURTHER CHANGES TO THE RFP WILL BE COMMUNICATED IN THE FORM OF A WRITTEN ADDENDUM FROM TBC IN PARTNERSHIP WITH DPR. AN ADDENDUM FROM TBC IN PARTNERSHIP WITH DPR IS THE ONLY OFFICIAL FORM OF COMMUNICATION REGARDING ADDITIONAL OR CLARIFYING INFORMATION PERTAINING TO THE RFP. IN THEIR PROPOSAL SUBMISSIONS, PROPOSERS SHALL ACKNOWLEDGE THE RECEIPT OF THIS ADDENDUM AND ANY ADDITIONAL ADDENDA TO SOLICITATION THAT MAY BE ISSUED BY TBC IN PARTNERSHIP WITH DPR. ALL OTHER TERMS AND CONDITIONS OF THE RFP ARE UNCHANGED BY THIS ADDENDUM AND SHALL REMAIN IN FULL FORCE AND EFFECT.

PLEASE CONTACT THE PROJECT MANAGER, HOPE COHEN, WITH ANY QUESTIONS. SHE CAN BE REACHED BY PHONE AT 917.409.3710 OR VIA EMAIL AT HOPE.COHEN@THEBATTERY.ORG.

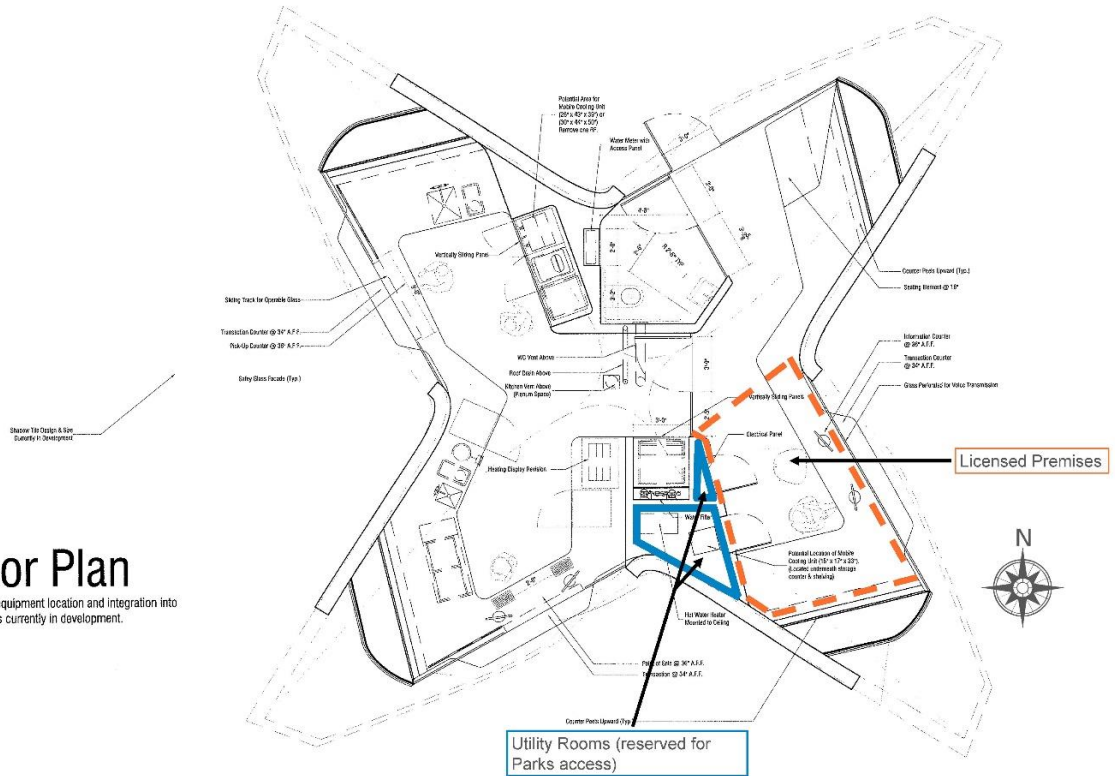
ATTACHMENT #1: MAP OF THE BATTERY



THE BATTERY

ATTACHMENT #2: NEW AMSTERDAM PAVILION, WITH TICKETING AREA SHOWN IN ORANGE

Statue Cruises Ticket Kiosk Licensed Premises



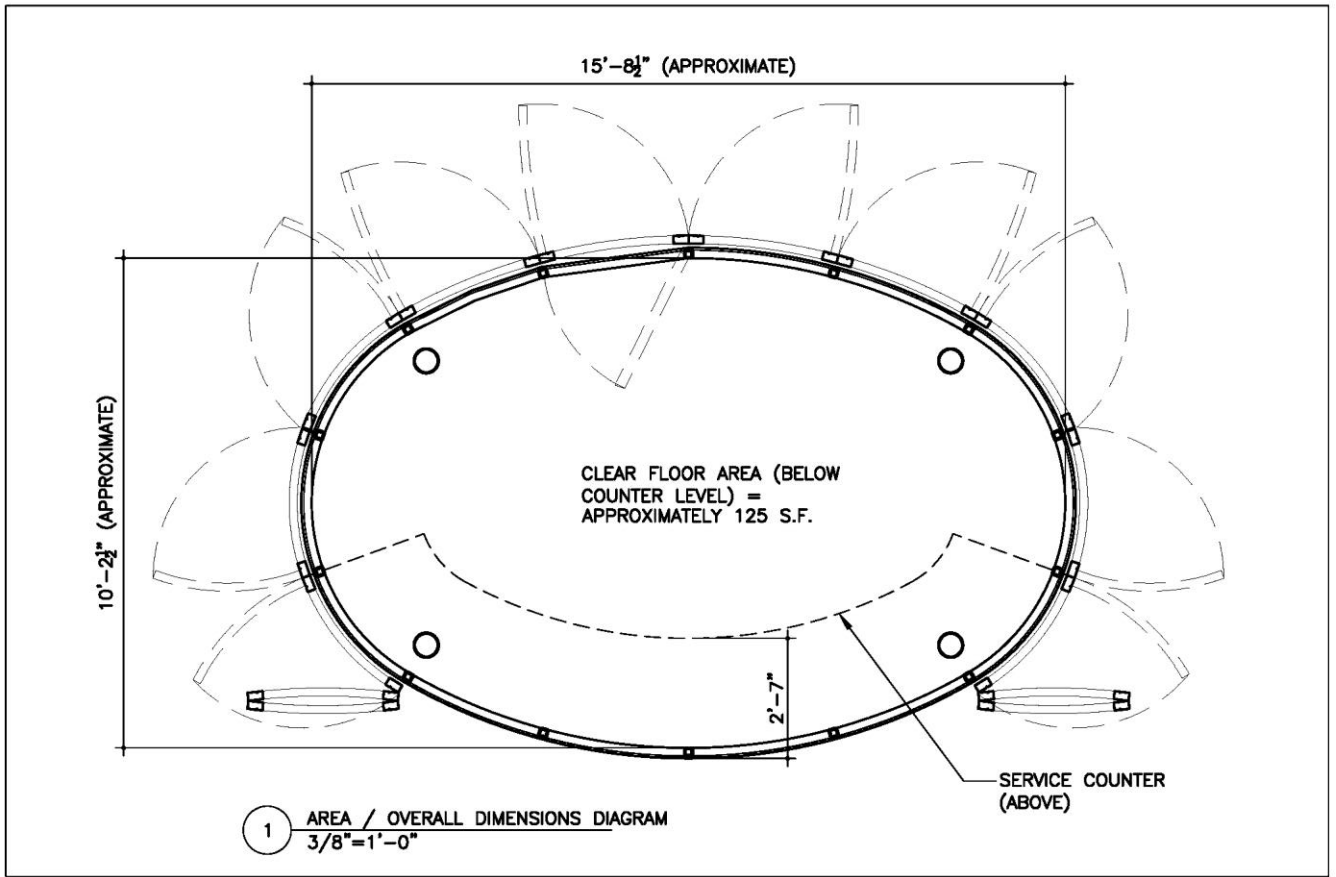
Floor Plan

* Kitchen equipment location and integration into cabinetry is currently in development.



New Amsterdam Plein and Pavilion at Peter Minuit Plaza

ATTACHMENT #3: BOSQUE KIOSK (THE 2 ARE IDENTICAL)



Architect
WEISZ + YONES/ CWA
224 Centre Street, 5th Floor
New York, NY 10013
(212) 219-1953
(212) 274-1953 fax

**THE BATTERY BOSQUE
KIOSK**
Drawing Title:
AREA / OVERALL DIMENSIONS
DIAGRAM

Scale 3/8" = 1'-0"
Date 25 May 05