

**ADDENDUM #2
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 #2 ISSUE DATE:

April 4, 2018

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

RFP – Responses to questions asked at the site tour of March 28

The Battery Conservancy (TBC) and the New York City Department of Parks & Recreation (DPR) are requesting 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 extend the deadline for submitting proposals and to respond to questions received from potential proposers since the RFP was issued on March 21, 2018.

Q: Due to the short timeframe, especially with regard to the addition of New Amsterdam Pavilion in Addendum #1, issued on March 28, 2018, can the deadline for submission of proposals be extended?

A: **TBC and DPR have agreed to extend the deadline for submission to April 16, 2018.**

Q: What were the payment terms for the most recent winning proposals?

AK: The payment terms of the last successful proposal for the Bosque Kiosks were 11% of gross receipts against a guaranteed minimum fee of \$13,750, whichever is higher.

AN: The payment terms for the last successful proposal for the New Amsterdam Pavilion were a guaranteed minimum fee (starting at \$72,000 per year and increasing 5% per year) plus a supplemental fee of 10% of the difference between the gross receipts and a “reference amount” (defined as ten times the minimum guaranteed fee for the year).

NOTE: This history of winning fee proposals is for information only. Each proposer responding to this RFP is expected to propose its own fee structure.

Q: What is the recent history of gross receipts?

AK: The 2017 gross receipts at the “Fountain” kiosk were \$412,004. The 2017 gross receipts at the “Carousel” kiosk were \$174,951.

AN: The 2017 gross receipts at the New Amsterdam Pavilion were \$30,554.

Q: What is the recent history of operating costs?

Neither TBC nor DPR has information on operating costs for any of these facilities.

Q: Due to the timeline for a liquor license from the State Liquor Authority (SLA) timeline, can the term be extended?

A: It is possible to sublicense for the full potential term offered in the RFP, including option years, but at this time, neither TBC nor DPR can guarantee exercising any options.

Q: How is the area for liquor consumption to be separated from the rest of the Licensed Premises?

A: TBC will work with the operator to define the boundaries and identify the materials/design of the cordon.

Q: Can a single liquor license cover multiple facilities?

A: Proposers should consult with the SLA on this question.

Q: If permitted by the liquor license, may the operator serve liquor as well as wine and beer?

A: Yes.

- Q: Is outdoor grilling permitted?
A: Use of an electric grill is permitted. Open flames are not permitted.
- Q: What utilities are available?
A1: None of the facilities has gas service.
A2: Currently water is turned off for the winter (approx. November – March) at all three sites, but TBC is planning to install water service at the New Amsterdam Pavilion in time for the winter of 2018-2019.
A3: Electric service at each of the two Bosque Kiosks is 200 amps. Electric service at the New Amsterdam Pavilion is 400 amps.
- Q: Are there floor drains?
AK: Neither of the Bosque Kiosks has a floor drain.
AN: The New Amsterdam Pavilion has a floor drain.
- Q: What restroom facilities are available for operator’s staff?
AK: Each of the Bosque Kiosks is too small to accommodate a staff restroom. Staff may use public restrooms located exterior to the nearby Battery Gardens Restaurant.
AN: The New Amsterdam Pavilion has a staff restroom.
- Q: What offsite storage is available?
A: Neither TBC nor DPR guarantees the availability of any offsite storage. Moreover, as stated in the RFP, the operator may not store any equipment or supplies at the Licensed Premises without the prior written approval of TBC and DPR. No item shall be placed upon any public space, including the ground adjacent to the Licensed Premises, without TBC and DPR’s prior written approval. The operator is required to securely store all outdoor equipment, tables, and chairs on a nightly basis and whenever the facility is closed
- Q: What equipment/furnishings are available upon occupancy?
A: All equipment/furnishings are the property of the preceding operators. New operators may purchase existing equipment/furnishings from the preceding operator(s) or may install their own equipment/furnishings.
- Q: How many tables and chairs are provided?
AK: The current operator of the two Bosque Kiosks uses approximately 20 tables and 80 chairs.
AN: The most recent operator of the New Amsterdam Pavilion used approximately 40 tables and 100 chairs
- Q: Who is responsible for maintenance?
A: The operator is responsible for maintaining the entire Licensed Premises.
- Q: Who is responsible for security?
A: The operator is responsible for the facility(ies) the operator is sublicensing. The New Amsterdam Pavilion is equipped with an alarm system. Neither of the Bosque Kiosks is equipped with an alarm system.
- Q: Is on-site cooking allowed?
A1: See above question concerning outdoor grilling.
A2: None of the facilities has a fire suppression system. Any proposer that plans indoor cooking will have to install a fire suppression system.

PLEASE ALSO NOTE: Since the last RFP for the New Amsterdam Pavilion was issued, the City of New York has required flood insurance for that facility in the amount of \$500,000, the maximum available through the National Flood Insurance Program.

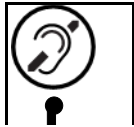
TERM

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 16, 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 site tour of the New Amsterdam Pavilion to supplement the site tour held on March 28, 2018. Potential proposers will be notified as soon as possible of the date and time.

ATTACHMENT #1: MAP OF THE BATTERY

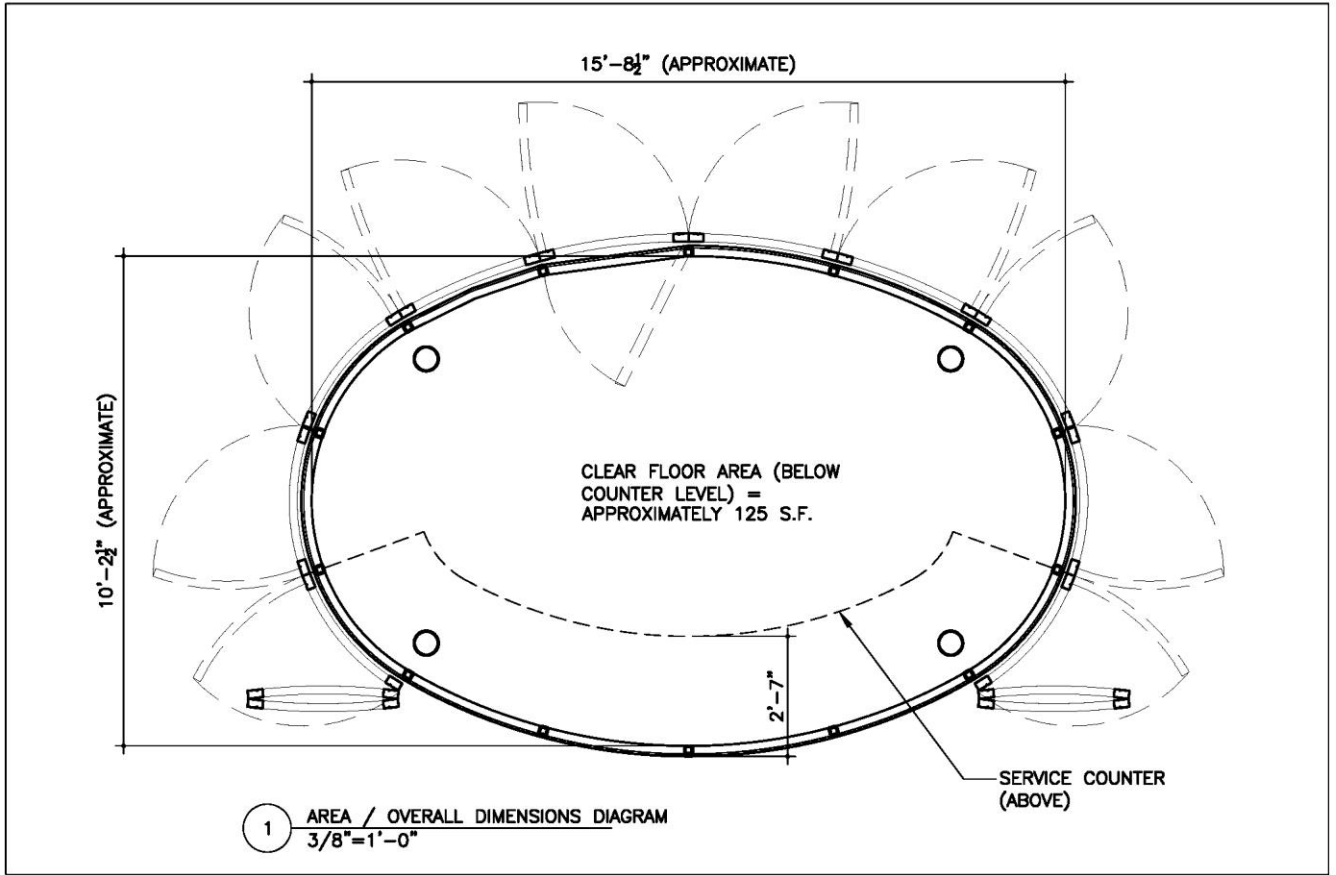


THE BATTERY

Fountain Kiosk

Carousel Kiosk

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



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

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