

Solicitation #R44-R

REQUEST FOR PROPOSALS

**For the Construction and Operation of a Restaurant
and Food Service Facility At
The Cromwell Center Pier,
Staten Island**

Issue Date

X,X,X

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**Mayor of the City of New York
Commissioner of Parks & Recreation
Assistant Commissioner for Revenue**

REQUEST FOR PROPOSALS

FOR THE CONSTRUCTION AND OPERATION OF A RESTAURANT AND FOOD SERVICE FACILITY AT THE WATER END OF THE CROMWELL CENTER PIER, STATEN ISLAND.

New York City Parks & Recreation requests proposals for the construction and operation of a restaurant and food service facility in the section of the Cromwell Recreation Center located at the Cromwell Center Pier, (the ASite≡) Pier #6, Staten Island. The facility will be located at the water end of the pier in an unused portion in the back of the adjoining Recreational Center. Located within a mile of the Staten Island Ferry, the Pier offers a magnificent view of the Statue of Liberty, the Manhattan skyline, Brooklyn, and the Verrazano Narrows Bridge. Parks is seeking proposers who can demonstrate financial capability and experience in the restaurant business to construct and operate this facility for a twenty (20) year term.

Project Manager

The Parks & Recreation Project Manager for this concession is Jeffrey Shatz. Please call him at (212)360-1397 if you have any questions regarding this RFP or this concession. You may also fax your questions to him at (212)360-3428. If you have a hearing impairment, you can reach the City's Telecommunications Device for the Deaf (TDD) at (800)281-5722.

Request For Proposals Timetable

The following schedule has been established for the Request for Proposals for the construction and operation of a restaurant and food service facility at The Cromwell Center Pier, Staten Island. This schedule is subject to change as circumstances warrant.

RFP Release Date: **December 1, 2000**

**Proposer Meeting &
Site Tour:** **January 3, 2001 @ 11:30am**

Proposals Due: **February 1, 2001 @ 3pm**



Note: If you have a physical disability which would prevent you from attending the proposer meeting & site tour and/or submitting your proposal to the Arsenal, please contact the project manager at least 48 hours prior to the meeting date and/or submission deadline so that special arrangements can be made to accommodate you.

The Concession: Background and Site Description

The Cromwell Center Pier is located on Murray Hulbert Street, off Hanna and Bay Streets, Staten Island. Situated within a quarter-mile of the Staten Island Ferry, the Center offers a magnificent view of the Statue of Liberty, the Manhattan skyline, Brooklyn, and the Verrazano Narrows Bridge. In addition to the Ferry, the Site is located within one mile of Boro Hall, the Civic Center, NY Public Library, and court buildings. Bay Street is a busy commercial area, with many stores and services available on its route. This Site is accessible via the Ferry, Staten Island Rapid Transit, and many local bus lines that run along nearby Bay Street. The Recreational Center at the Pier offers various outlets for the enjoyment of athletics, including six full basketball courts, a world class gymnastics center, exercise rooms, and a boxing ring. The restaurant facility will be located at the back of the Center, at the water end of the pier in an unused portion in the back of the adjoining Recreational Center. In the past ten years, this facility has been renovated on both the upper and lower levels at a combined cost of over \$4,500,000. Parks is seeking proposers to construct and operate the restaurant and food service facility in the approximately 25,000 square foot grounds (including outdoor dining area) located at the water end, Pier #6, of the Cromwell Center Pier, Staten Island.

Recently, a new parking lot was constructed at the Site, accommodating approximately one-hundred vehicles. In addition, a Municipal parking lot is located within walking distance. Parks does not guarantee that these lots will suffice on a daily basis. The successful proposer may need to provide off-site parking for customers.

All plans for the construction, design, and operation of this facility must not interfere with the normal operations of the adjoining Recreational Facility at the Site.

The license term for this concession will be twenty (20) years. No longer term will be considered. This concession will be operated pursuant to a license agreement with City of New York Parks & Recreation; no leasehold or other proprietary right is offered.

Parks will hold an on-site inspection meeting on Wednesday, January 3, 2001 @ 11:30am. If you are considering responding to this RFP, please try to attend this meeting, as it will give you the opportunity to tour the facility.

Anticipated Capital Investment

Concession Building

Some of the major capital improvements that the concession building will require are:

Utilities: Installation of gas lines, electrical lines, water lines, waste lines, new sanitary lines, possibly including pumping system to correct for lower elevation, and all necessary street connections for all utilities.

Mechanical: Installation of heating, cooling, and ventilation systems.

X **Interior:** Complete renovation of assigned space for kitchen installation, new interior walls, men=s and women=s restrooms, insulation, new finishes for floors, walls, and ceilings, accommodations for office and equipment storage, garbage compactor, and necessary measures for flood requirements.

X **Exterior and Site Work:** New doors, reconstruction of portions of roof and exterior wall system, partial reconstruction of exterior walkways for customer and service access, including legal egress requirements for anticipated occupancy.

* **Note:** *All necessary permits and approvals for capital work and design must be obtained from the Department*

of Buildings. Additionally, all designs and works to be performed on the structure will require prior approval from Parks & Recreation, the City's Art Commission, and any other agencies having jurisdiction.

Parks will entertain proposals for various types of food service facilities, but will look favorably upon proposals that offer upscale dining in a formal atmosphere.

Please note that Parks will weigh capital investment and design heavily in its evaluation process. Therefore, please describe all intended capital work and provide cost estimates for this capital work in your proposal submission. In addition, please include a detailed capital/design timetable which clearly outlines proposed improvements and the anticipated commencement and completion dates for these improvements (i.e., the expected duration of each improvement). In putting together your capital submission, please be aware that in the successful proposer's license agreement, the cost estimates provided in its proposal will become a minimum required capital expenditure, and the time frame proposed will become a mandatory capital schedule. Therefore, please be realistic or even conservative in the investment and time frame you offer.

The building's plans may be inspected, and a copy of the available plans for the building may be obtained upon request for a nominal fee. Please contact the project manager if you would like to arrange an appointment to inspect the plans. Parks makes no representation that these plans are complete or wholly accurate.

At the sole cost and expense of the concessionaire, an engineer must be retained to evaluate the condition of the pier and its surroundings.

Design Review Fee

A percentage of the total cost of all capital improvements will be charged to the concessionaire for the review of the design documents by Parks personnel. Total cost will be determined by the total capital improvement proposal or by the actual construction and design cost, whichever is greater. The fee structure is one percent (1%) of total cost. The schedule for payments of the Design Review Fee is as follows:

Upon Execution: Upon signing the license agreement, the successful proposer will pay the design review fee, based on the capital investment to which the proposer/licensee is committed in the license agreement.

Upon Completion: Upon the completion of construction, the licensee will make a supplementary payment based on the amount of capital investment stipulated in the license agreement.

Requirements During the Term of the License

1. The successful proposer will be responsible for obtaining any and all necessary approvals, permits and licenses for the construction and lawful operation of this concession.
1. A security deposit of at least 25% of the highest year's guaranteed minimum license fee will be required for the duration of the term. This security deposit will be due upon signing.
3. The concessionaire will be required to carry at least \$1,000,000.00 in general liability insurance coverage and property damage liability insurance coverage, and replacement value in fire and casualty coverage with the NYC Parks & Recreation named as Additional Insured.
4. The concessionaire will be obligated to supply all equipment necessary for the operation of this concession. All fixed equipment becomes the property of Parks upon installation, at Parks' option.

Should Parks choose not to exercise this option, it will be the responsibility of the concessionaire to remove fixed equipment and return the licensed premises to Parks in a condition as good as or better than that at the commencement of the license term.

1. Proposers should be aware that this concession will be developed and operated pursuant to a license agreement issued by Parks. In the event that this agreement is terminated for reasons other than licensee=s breach of the agreement, Parks will not consider proposals for reimbursement of unamortized capital improvement costs as of the date of termination.
6. The successful proposer will be required to hire a supervising engineer or architect to oversee the entire reconstruction or construction of the building. The supervising engineer or architect will be responsible for ensuring that all construction conforms to the plans approved by Parks' Design Division.
7. The concessionaire must provide Parks with as-built drawings upon completion of the construction or renovation project.
8. The concessionaire will be required to post a construction security deposit in an amount acceptable to Parks before any work commences.
9. The concessionaire will be responsible for any and all utility costs connected with the operation of this concession. This includes but is not limited to installing all necessary utilities, service lines, conduits, water meters, pipes, etc. The concessionaire will be required to remove any unsuitable existing materials as required. Parks & Recreation makes no representations that there are adequate utilities currently in place at the site.
10. The concessionaire will be required to submit monthly statements of gross receipts from all categories of income in a format approved by Parks.
11. All fees and prices must be approved in advance by Parks. Hours and days of operation must also be approved in advance by Parks.
12. The concessionaire=s staff will be required to wear uniforms approved by Parks.
13. The concessionaire must remove all rubbish generated by this concession. The concessionaire will be responsible for cleaning the licensed premises and the area within 50 feet of the licensed premises. The concessionaire must provide garbage cans approved by Parks and have these cans emptied on a daily basis by a private carter. The concessionaire must comply with all City, State, and Federal regulations regarding recycling. The concessionaire will be responsible for keeping the parking lot clean, neat, and free of litter and debris. The concessionaire must keep all signs and structures free of graffiti.
14. The concessionaire will be required to make all necessary repairs during the term of license.
15. The concessionaire will be responsible for maintaining total security within the facility and the immediate surrounding area.
16. The concessionaire must cooperate with Parks during special events or other unanticipated eventualities.
17. The concessionaire will comply with all City, state and federal laws relating to access for persons with

disabilities.

18. The selling and/or advertisement of cigarettes, cigars, or any other tobacco products is strictly prohibited. It is the concessionaire's responsibility to adhere to and enforce this policy.

The RFP Process/Proposal Procedure

Proposal Submission Instructions

All proposals **must** meet the requirements listed below in section B, AProposal Submission Requirements,≡ and should comply with all the items listed below in section C, AProposal Submission Guidelines.≡ Proposals should be printed or typed on 82≡ x 11" paper. There is no page limit for proposals, but proposers are encouraged to use discretion in the amount of information they submit. The proposal, the proposal deposit, and any additional information should be submitted in a sealed envelope with the following information written on the outside:

- X Your name and address
- X Solicitation # R44-R
- X The words ACromwell Center Pier Restaurant≡
- X Return Date: February 1, 2001 @ 3pm

No proposals should be submitted in plastic sleeves or spiral binders. Illustrations may be included. All plans are subject to Parks' approval. Oversized drawings may be submitted but must be accompanied by 82≡ x 11" sectionals or reductions to 8 2≡ x 11". No telegraphic or facsimile proposals will be accepted.

Proposal Submission Requirements

Proposal submissions **must** meet the following requirements. Failure to comply will result in the automatic disqualification of a submission from further consideration.

1. Proposals must contain a fee offer.
2. Proposers are required to submit as a proposal deposit a **certified check or money order** in the amount of **\$10,000.00** with the proposal (payable to NYC Parks & Recreation). The proposal deposit is retained only in the event that the successful proposer fails to enter into a contract with Parks. Proposal deposits will be returned to unsuccessful proposers after the contract is signed with the successful proposer.
3. Proposals must be submitted in sealed envelopes and received in the office of the Assistant Commissioner, Revenue Division, City of New York Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, Room 407, New York, NY 10021 **no later than Thursday, February 1, 2001 @ 3pm**. We recommend hand-delivering proposals to Room 407 to ensure consideration of your proposal. Proposals received after the time and date listed above will be returned to the proposer and will not be considered for award.

Proposal Submission Guidelines

Each proposal is expected to include the following information.

1. The fee offer should state the highest sum each proposer is prepared to pay as a license fee, expressed as a guaranteed minimum annual fee versus a percentage (%) of gross receipts.

1. Proposers should submit a resume or detailed description of the proposer=s professional qualifications, demonstrating extensive experience in the industry or access to individuals and/or firms with such expertise. Please highlight any previous experience working for a City agency or City regulatory agency, and the extent to which you have been able to accommodate City procedures. Also, include the names and addresses of all corporate officers of the entity submitting the proposal.
3. Proposals should include a detailed, well thought out pro forma income and expense projection for each year of operation. This projection should include explanations for all of the assumptions used in its formulation.
4. Proposers should include a detailed description of their planned operations, including the intended use for the facility, hours of operation, prices and fees, sample menu items, a cleaning and maintenance schedule, and related information.
5. Proposers should submit an estimated number of full-time and seasonal employees respectively, the positions these employees will fill, and the percentage of these employees that they expect to hire from the local community. Parks will view favorably proposals that will employ members of the local community.
6. Proposers should submit completed copies of Parks' Business and Personal questionnaires and Vendex Business Entity and Principal questionnaires, which may be obtained from the Revenue Office. Please submit three copies of each questionnaire with your proposal.
7. Proposers should include a financial statement listing assets and liabilities, prepared in accordance with standard accounting procedures.
8. NYC Parks & Recreation is charged with improving customer satisfaction with the services provided at facilities on Parkland. Therefore, Parks would like proposers to explain in their submissions the mechanisms they would use to assess customer satisfaction with the services offered at this concession. Such mechanisms might include customer evaluations or survey forms. Further, Parks would like proposers to explain how they would improve the quality of services offered if the above mechanisms indicate a need to do so.
1. Proposers should submit a written Scope of Work as part of their proposal. The Scope of Work should include a general description of proposed capital work, as well as an itemized breakdown of proposed improvements. Proposers should describe all proposed capital work and provide cost estimates for this capital work in their proposals. Proposers should also submit a detailed capital design timetable which clearly outlines intended improvements and the anticipated commencement and completion dates of these improvements. Proposers should note Parks weighs capital investment and design heavily in its proposal evaluation process. In the successful proposer=s license agreement, the cost estimates provided in the proposal will become a minimum required expenditure, and the time frame proposed will be included as a requirement. Therefore, proposers are urged to be realistic or even conservative in the investment and time frame that they offer.

Evaluation and Selection Procedure

A selection committee comprised of Parks employees and constituted in accordance with rules set forth by the City's Franchise and Concessions Review Committee will use the following criteria to evaluate proposals:

- X Fee offer
- X Capital improvements and designs submitted
- X Operating experience in the field

- X Proposed operations, including variety, quality, and affordability of services to be provided
- X Financial capability

Parks is not required to select the proposal with the highest fee offer; the concession will be awarded to the proposer whose submission the selection committee judges best overall based on these criteria. Parks' acceptance of a proposal does not imply that every element of that proposal has been accepted. Parks cannot consider any proposal which does not comply with the *Submission Requirements* section of this RFP. Proposals which do not meet these requirements will not be evaluated.

Other General RFP Requirements and Conditions

NYC Parks & Recreation reserves the right to postpone or cancel the RFP or reject all proposals, if in its judgment it would be in the best interests of the City of New York to do so.

Proposers are advised that NYC Parks & Recreation has the option of selecting the proposer without conducting negotiations. Therefore, each proposer should submit his or her best proposal initially since negotiations may not take place.

All Request for Proposals submission material becomes the property of the City of New York and Parks & Recreation. Proposal submission material will generally be made available for inspection and copying by interested parties upon written request, except when exempted from disclosure under the New York State Freedom of Information Law.

NYC Parks & Recreation is subject to the New York State Freedom of Information Law, which governs the process for the public disclosure of certain records maintained by Parks. (*See Public Officers Law, Sections 87 and 89.*) Individuals or firms that submit proposals to Parks may request that Parks except all or part of such a proposal from public disclosure, pursuant to Section 87 (2)(d) of the Public Officers Law, on the grounds that the proposal contains trade secrets, proprietary information, or that the information, if disclosed, would cause substantial injury to the competitive position of the individual or firm submitting the information. Such exception may extend to information contained in the request itself, if public disclosure would defeat the purpose for which the exception is sought. The request for such an exception must be in writing and state, in detail, the specific reasons for the requested exception. It must also specify the proposal or portions thereof for which the exception is requested.

If Parks grants the request for exception from disclosure, Parks shall keep such proposal or portions thereof in secure facilities.

NYC Parks & Recreation will not be liable for any costs incurred by proposers in the preparation of proposals or for any work performed in connection therein.

A proposer may submit a modified proposal to replace all or any portion of a proposal submitted up until the proposal submission deadline. The project manager will only consider the latest version of the proposal. Late proposals and late modifications will not be considered for evaluation. Proposers may withdraw their proposals from consideration at any time before the proposal deadline. To withdraw a proposal, the proposer must provide Parks with written notification.

Technical addenda issued by NYC Parks & Recreation will be the only authorized method for communicating clarificatory information to all potential vendors. Proposers should contact the agency prior to submission of

proposals to verify that any addenda issued have been received and proposers are to acknowledge the receipt of all addenda as part of their proposals.

The Office of the Comptroller of the City of New York is charged with the audit of concession agreements. Any person or entity who believes that there has been unfairness, favoritism, or impropriety in the proposal process should inform the Comptroller's Office of Contract Administration, 1 Centre Street, Room 835, New York, NY 10007. Telephone: (212)669-2323.

Henry J. Stern,
Commissioner