



L5021 – 2018 Pier 84 Indoor/ Outdoor Food Concession in Hudson River Park

RFP Questions and Answers

October 31, 2018

Questions are presented below in **bold**, with answers from the Trust in *italics*.

- 1. Can the restaurant be open till later in winter months?**
The RFP indicates that hours of operation of the restaurant from November to April should be from 8:00 AM to 7:00 PM. These hours may be reduced during those months subject to the prior approval of the Trust, but the facility must be open daily. The winter month's schedule of 8:00 AM to 7:00 PM matches the current hours of the public restrooms located adjacent to the Premises. The closing time for the restaurant during the winter months may be extended to be later than 7:00 PM, but the Concessionaire may be subject to a surcharge to keep the restrooms open during that additional time.
- 2. Can you share the building construction drawings?**
All construction documents for the West 44th Street Park building including architecture, building construction, electrical, mechanical, plumbing and topographical survey drawings have been shared as Addendum-1 and are posted on our website.
- 3. Are there any Union labor requirements for the Fit-Out?**
No. Concessionaire is expected to comply with all labor laws.
- 4. When will you receive the temporary certificate of completion (TCC) and then the final certificate of completion (COC)?**
The TCC, and perhaps the COC, for the building is expected prior to December 31, 2018 and respondents should assume so in their submissions. The Concessionaire will be required to file with DSBS/ DOB for a building alteration work permit application ("Permit Application"), either an Alt-1 or Alt-2, based on Concessionaire's plans prepared for Fit-Out of the Premises. Concessionaire should consult with its architect on the filings.
- 5. Is there place for storage in the space?**
Yes. Storage space can be created as per the Concessionaire's Fit-Out design.
- 6. In the last paragraph on page 6, the concessionaire is to pay all state, municipal, and federal taxes. What is that referring to? Is this about sales tax or are there others?**
This refers to any tax that may become due in the ordinary course of business. There is no pass-through of real estate taxes under the concession agreement and no tax specific to the Park location.
- 7. Regarding permanently affixed fixtures, will Trust allow return of same if fixtures are leased?**

Yes, detachable trade fixtures and equipment may be removed if they are leased or financed. If they are to be removed they should not be permanently affixed and Concessionaire shall be responsible for repair of the building should any damage occur during their removal.

8. Where exactly can alcohol be served?

Within the concession building and the enclosed western and northern outdoor customer seating areas. Alcohol can only be served, and must be consumed, within these specified demised premises. The tenant is responsible for ensuring that alcoholic beverages are not taken off the premises. Concessionaire may be subject to further restrictions pursuant to its issued SLA license.

9. How many electrical panels are there?

There are two 600 amp panels in the concession building.

10. How long do we have to build out the space?

The Fit-Out period will continue for a period of four months and commences within 15 days after approval of Concessionaire's Permit Application by DSBS/DOB.

11. Are Sprinklers required?

No.

12. When will the new tenant be selected?

By on or about December 21 2018.

13. Is the partition wall coming out?

The partition wall is part of the "as-is" condition. It is not structural and Concessionaire can remove it as part of the alteration work.

14. Please give more information on the utilities provided.

Only water is sub-metered. Electric and gas are directly metered to tenant.

15. Regarding the rent structure, is percentage rent to be set by the tenant?

Yes, Concessionaire may propose the amount of percentage fee structure subject to the following provision of the RFP:

"A percentage of annual gross receipts excluding sales and use taxes that may be expressed as in excess of a stated annual threshold or from the first dollar generated by the Concessionaire at the Premises from all sources including but not limited to: (i) sales of products or services sold at or from the Premises, and (ii) all ancillary business income generated from the Premises."

16. Please provide financials from the prior operations at the location.

Below is historical financial information from this location:

- a. For 2015, reported sales were in the range of \$1.8 million to \$1.9 million. This does not include sales from the two mobile food concessions. Sales are typically seasonal, peaking in July and August. Respondents should make their own determination as to*

the sales potential of the facility and location rather than rely on reported sales under the existing permit.

- b. The Guaranteed Minimum Fee payable for the most recent permit year was \$262,254 under the last permit. Respondents under the current RFP should make their own base fee proposal.*
- c. Percentage Rent was 13% in excess of the annual threshold amount of \$2,017,342 for the most recent permit year under the last permit. Respondents under the current RFP should make their own percentage fee proposal.*

17. Please provide recent sales projections for this location.

Recent sales projections for the year 2018-2019 are in the range of \$3.0 million to \$5.0 million for the operations at this location including food, beverage and liquor, take-out and two mobile food concessions. Respondents to the RFP are responsible for developing their own projections.

18. Can bidders come back with their architect to do a walk through?

Yes by coordination with the Trust contact for this RFP.

19. During final evaluations will the Trust do a site visit on prospective tenant's current business?

Yes.

20. Is the trash room shared?

No, it is solely for the use of this Pier 84 Food Concession.

21. Is the trash room heated?

It currently has an electrical heater.

22. Are there bike racks? And do a lot of people ride bikes to the location?

There are a few bike racks on the eastern side of the building. We do not have a count on the number of people that ride bikes to this location.

23. What is the length of the term?

The total length of the term is 9 years, including a 5-year initial term and one 4-year extension.

24. Are heat lamps and umbrellas allowed?

The Trust would consider allowing heat lamps. Yes, umbrellas are allowed.

25. What are the delivery hours and how do they come in to the property?

Deliveries can be received anytime during normal park operating hours (6:00 AM thru 1:00 AM) but early morning may be most efficient. Vehicles can make drop-offs in the driveway on the south side of the premises. Materials must be carried or hand-trucked from there to the building.

26. How do the tables and chairs get stored?

They should be secured and locked against the building.

27. Any picnic areas being set up by the Trust around the concession building?

No. However, there are several picnic tables for use by park patrons near the north-west side of the fountain at Pier 84.

28. Where do people usually eat if they do take out?

They may take their food to a bench, a picnic table or to the lawn area of pier in the Park.

29. Regarding Section 15(b) of the Pier 84 Form Concession Agreement included with the RFP, please provide further information regarding the circumstances (if any) under which the type of ownership interest described in Section 15(b) (in which Control, or an ownership interest in excess of 49%, is granted to any entity that has an ownership interest in any tenant, subtenant, concessionaire, sub-concessionaire, licensee or sub-licensee of the Trust, or any such other similar party in interest with a relationship to the Trust, that operates within Hudson River Park) would be conditioned or disapproved, and what criteria the Park would employ to determine whether an arrangement would be conditioned or disapproved.

The Trust would consider all facts and circumstances at the time of the proposed assignment (or similar arrangement) and make a determination of what is in the best interests of the Park.

Concessionaire cannot assume that an approval for such an assignment would be “automatic”.

30. In order for a potential bidder to avoid partnering with an entity that is potentially affected by Section 15(b) of the Pier 84 Form Concession Agreement, please provide a list of all known entities that may be affected by this provision.

Respondents should inquire of potential partners whether they fall within this provision.

31. Can you explain the \$100,000 construction period deposit?

On execution of the Concession Agreement and the Trust providing possession of the Premises to Concessionaire (“Commencement Date”), Concessionaire shall submit a construction period security deposit of \$100,000 to the Trust. This amount will be adjusted at restaurant opening to two months of Annual Base Concession Fee, which will be held by the Trust until the end of the Term. The construction period deposit may be in the form of cash or a letter of credit.

32. How detailed do the drawings explaining the proposed improvements need to be?

The drawings can be conceptual. The drawings, along with a description and photographs, should adequately explain the proposed design for the Premises and the feel of the operation including furniture, signage and kitchen layout.

33. What is the size of the air condition unit in the space?

The air condition unit in the northern space is 15 tons and in the southern space is 12 tons.