



L2301 – Hudson River Park Boathouse Operators: Piers 26, 66, 84 and 96

RFP Questions and Answers

November 15, 2022

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

- 1. The boathouse RFP has a section titled "Required Fees and Costs of Maintenance and Operation Charges" where it states that there is a "minimum security deposit in the amount of \$5,000."
Is this the same security deposit (also of \$5,000) that existing boathouse tenants have already provided? If the intended use is different, please elaborate.**

A. Yes, this is the same security deposit that current boathouse tenants have previously provided.

- 2. The section "Required Fees and Costs of Maintenance and Operation Charges" includes the following bullet:
The Permittee shall be obligated to pay the following fees and ongoing maintenance charges:
• A minimum security deposit in the amount of \$5,000. The deposit must be made as a certified check, bank check, or money order. To the extent the Trust needs to draw down the security deposit for repairs and maintenance done on behalf of the Permittee, the deposit would need to be replenished to \$5,000.**

2-1: Can you provide an example of a repair or maintenance issue done on behalf of the Permittee that would draw down from the security deposit and an example of a repair or maintenance issue that would not draw down from the security deposit?

A. Appendix 5 (Maintenance and Operations) of the RFP delineates the respective maintenance obligations of the Trust and Permittees. As explained therein, the Permittee is responsible for all routine maintenance in and around the Premises, such as replacing bulbs, replacing air filters, unclogging sinks or toilets, or repairing broken door handles. The Trust might seek to draw down from the security deposit if the Permittee did not perform such responsibilities. The security deposit might also be drawn upon if the Trust steps in to perform the repair or if a Permittee damages the facility through negligence or by doing work not previously authorized by the Trust.

2-2: Can you provide the repair history of each Premises from the last year and the total amount that would have been drawn down from the security deposit at each location had this policy been in place?

A. We are unable to do so given that any such matter would have been a matter between the Trust and the Permittee, and the specifics of each property and operation.

2-3: Is there a monthly, annual or lifetime cap on the total amount of money that the Permittee would be expected to spend replenishing the security deposit as repairs or maintenance is performed?

A. *The purpose of the security deposit is to enable the Trust to step in to make needed repairs or perform needed maintenance services if the Permittee does not perform in accordance with the Permit. Before drawing down on the security deposit, the Trust will provide advance notice to the Permittee. The Trust will require the Permittee to replenish the security deposit in the event a draw down is needed. As performance of routine maintenance is a requirement of the Permit, there is no cap on the total number of times the security deposit might need to be replenished, but if a Permittee were consistently not performing its responsibilities under the Permit, other remedies might also be pursued besides draw downs on the security deposit.*

2-4: Will the permittee have any input in how the security deposit is spent, and will there be an approval process for projects or repairs using these funds?

A. *Permittee will have responsibility for performing the routine maintenance specified in the Permit. If the Permittee fails to perform in accordance with the Permit, the Trust will notify the Permittee before using the funds in the security deposit to pay for these repairs. Permittee may then elect to correct the issue through its own means provided the Trust so approves, inclusive of the schedule for correcting the issue.*

3. Appendix 5, section 12, part B of the boathouse RFP states that "the Trust will require the respondents to adhere to the Trust's published policy entitled "Kayaks and Canoes in Hudson River Park,". This document states (in bold) that "Users should be strong, experienced swimmers".

The Downtown Boathouse does require that adults going kayaking know how to swim, but it does not require that they be strong experienced swimmers. The Downtown Boathouse has never required that small children going kayaking (always with an adult) know how to swim, and many do not.

All kayakers are of course required to properly wear a life jacket.

Please clarify the Trust policy with regard to children and kayaking.

A. *The Trust's policy provides safety guidance for non-motorized boaters using Park waters whether or not affiliated with specific boating programs. Through permits issued to operators of specific boating programs, the Trust recognizes that each Permittee will have separate requirements and policies regarding safety tailored for the specifics of each Permittee's operations. The Trust expects each Permittee to review and consider its "Kayaks and Canoes in Hudson River Park" policy to inform the Permittee's own procedures and policies but recognizes that Permittees may elect to supplement or alter its practices in consideration of the Permittee's specific operations, boats, safety protocols, oversight and other requirements for participation. Further, each Permittee is required to comply with all applicable laws related to the operations at the subject Premises, including any requirements that require the use of life jackets.*

4. For each of the four boathouses in Hudson River Park, please provide utility costs per month, by season. Please break down the data by type (i.e., water, electricity, and gas). Please note if there are consumers other than the boathouse tenant (e.g., external lighting).

A. The Trust has updated the RFP requirement with respect to utilities noted in Section III. Financial Requirements and Appendix 5. Maintenance and Operations, Section 15: Utilities of the RFP. Please see Addendum No. 2.

5. Section III. Financial Requirements: What are the average annual utility and usage costs by boathouse?

A. See response above to Q4.

6. Even without rental fees, boathouse operation entails significant costs. If a non-profit organization proposed to charge membership fees or training event fees to cover some of these costs, but makes no profit and offers significant free or minimal-cost access to the public, does this necessitate a rent schedule be provided, as not all proposed activities are "entirely free public programming"? From our organization's perspective, the lower the costs of the boathouse, the lower our participation and membership fees can be and the more shared equipment we can afford for expanding our programming; we operate purely as a non-profit.

A. Organizations proposing membership fees as a model should provide such fees as part of the submission. Understanding the fee structure will be an important aspect of assessing public benefit. Organizations seeking to host occasional training events as a means of generating revenue to support operations do not need to provide such fees unless they are a planned regular feature of the proposed program. Notwithstanding this requirement, the mere fact that an organization may charge participation fees for aspects of the proposed program does not automatically trigger a requirement for rent. The Trust's requirements for fees or other monetary compensation will be governed by the proposed uses and overall consideration of public benefit. Please refer to Section III. Financial Requirements and Section V.7. Submission Requirements of the RFP for details on the Fee Schedule (Appendix 8) to be provided to the Trust.

7. Section V.7. Submission requirements: If no commercial activities will be offered, is a fee schedule required for submission? What is the expected fee schedule for nonprofits with no commercial activities?

A. See response above to Q6.

8. Section III. Financial Requirements: Is the collection of membership dues for volunteer organizations considered a commercial activity?

A. No.

9. If we are proposing a partnership between multiple organizations to share operations at a boathouse, but the abilities of each organization to offer its programs varies somewhat between boathouses, can each organization note slight differences in second or third location preferences in the event that the park does not designate the first-preference boathouse to both organizations in their proposal?

A. Yes, any variations in programming in first second or third location preferences may be noted. Each submission will be reviewed independently with regard to the details of that submission specifically.

10. Appendix 7 lists several insurance requirements, some of which do not appear applicable to the intended uses of some of the boathouses (e.g., Marina Operator Legal Liability for kayaking at Pier 26/84/96; Commercial Property Insurance for non-commercial operations; Protection and Indemnity insurance for kayaking/canoeing programs; etc.). Are all of these policies still required at all boathouses, or is that dependent on the proposed activities and operations?

A. The insurance requirements will be modified on a case-by-case basis for the uses at the selected Premises. For instance, requirements for boathouses that only have non-motorized activities (i.e., kayaking, paddleboarding, but not motorized sailboats) may only require general liability, workers compensation and disability insurance. Further, if an entity does not have employees and is completely run by volunteers, the entity must provide proof on the CE200 Form issued by the NY State Workers Compensation Board, and then workers compensation and disability insurance are not required.

11. Appendix 7 of the boathouse RFP lists the types of insurance that a permittee is required to get. Some are seemingly not required by an entity like the Downtown Boathouse, but we would like to confirm. Here is the list:

- 1: Commercial General Liability**
- 2: Protection and Indemnity**
- 3: Marina Operator Legal Liability**
- 4: Commercial Property Insurance**
- 5: Comprehensive Business Automobile Liability**
- 6: Liquor Legal Liability**
- 7: Workers Compensation**

We don't ever have any alcohol on Premises, nor paid staff, nor an automobile, so this presumably eliminates the last three. But what about the other four? Note that we never charge.

A. See response above to Q10.

12. Appendix 7. Insurance: What is the commercial liability limit per occurrence for organizations that do not operate motorized water vessels?

A. Generally, the commercial liability limit per occurrence would be up to \$5,000,000, with lesser amounts being appropriate depending on the uses at the selected Premises. The amount will be determined when issuing the Permit.

13. Appendix 7. Insurance: Will the effective date of insurance coverage be aligned with the effective move-in date or date of permit start date? For boathouses with only non-motorized boating, is it still required to carry Marina Operator Legal Liability coverage?

A. *Yes, the effective date of insurance coverage will be aligned with the Permit commencement date.*

No, Marina Operator Legal Liability coverage is not required.

14. Is the Pier 40 non-motorized boating space included in this RFP, and why or why not?

A. *This RFP is limited to the four purpose-built boathouses constructed by the Hudson River Park Trust. Uses at Pier 40 are part of a much larger facility for which the Trust has not yet identified a long-term future, and the space currently being used for non-motorized boating was not designed as a boathouse.*

15. Section V.8. Submission requirements: For what reporting year(s) should the financial statements be provided?

A. *Financial statements should be provided for the most recent reporting year- 2021.*

16. Appendix 9. Would sub-permittees (sub-applicants) also need to submit these forms?

A. *Forms are not required from sub-permittees as part of the RFP submission but upon selection some of the forms may be required on a case-by-case basis.*

17. Safety questions: Were there any safety incidents around the four piers recorded by the Park in 2021 and 2022? How many safety incidents have occurred at each pier?

Apologies for the confusion. We are seeking information on crime and security incidents.

A. *A boat was stolen from the Pier 66 boathouse dock in 2021. Otherwise, during this period, the Trust is not aware of any criminal or security incidents occurring within any of the boathouses. With that said, the boathouses are located within a very active public park, and at each property, there have been incidents related to misuse of park property, such as graffiti on the vending machine at Pier 26 boathouse and damage to the Trust's TV screen displaying river conditions outside the Pier 84 boathouse building. Additionally, there are periodic issues related to individuals with mental illness and homeless individuals, particularly at Pier 84, though these are not related to the boathouses directly.*

18. We received information on updates that might be required to square footages and drawings for Premises A at Pier 26 and Premises C at Pier 84, as noted in Appendix 3- Premises.

A. *The Trust will work with the selected Permittees for each boathouse to incorporate up to date square footages and drawings in the Premises descriptions in the finalized permits.*