

BID SOLICITATION & SPECIFICATIONS

Qualifications and Proposals for the Renovation and Lease of Retired Utility Building on the Boardwalk Promenade for use as a Food Concession

Introduction

The Borough of Bradley Beach ("Borough") is seeking proposals from interested individuals or business organizations that can demonstrate capability to rehabilitate, manage, maintain, and operate a food concession in the retired utility building, located at the Beach Promenade, (Ocean & Park Place Avenue(s)), under a Lease term not to exceed ten (10) years.

The Borough of Bradley Beach will accept Request for Proposals (RFP) at Borough Hall, 701 Main Street, Bradley Beach, New Jersey 07720. You may request the RFP information from Kelly Barrett, Municipal Clerk, kbarrett@bradleybeachnj.gov or it may be obtained via the borough website www.bradleybeachnj.gov. **REQUEST FOR PROPOSAL'S MUST BE SUBMITTED NO LATER THAN JULY 31, 2019 AT 4:00 PM**

The entity selected by the Borough is required to comply with all permit conditions, federal, state and local laws and regulations, and is responsible for receiving any and all approvals which are or may be required. The Borough will support any application made by the successful proposer.

The Proposal needs to include a complete renovation of the interior and exterior of the building, which shall include, but not be limited to, upgrades to plumbing, electric and sewer all of which must be approved by the Borough.

The Borough will review all responses and select the respondent whose qualifications and proposal is deemed most responsive to this request. The selected respondent will be awarded a Lease and Concession Agreement, which Agreement will reflect the terms of the selected proposal. The Borough reserves the right to reject one or all proposals or terminate Lease negotiations at any time prior to executing a formal Lease, for any or no reason, without penalty or liability.

The Borough is issuing this Bid Solicitation under the Competitive Contracting process in lieu of public bidding under the New Jersey *Local Public Contracts Law*, specifically N.J.S.A. 40A:11-4.1 j. Under this process, the Borough is able to evaluate proposals and select the Concessionaire based on price *plus other factors*. Such other factors are detailed herein. Since the qualifications of the respondents are material to the Borough's selection of a Concessionaire, the award of the Concession shall not be assigned or otherwise transferred in any manner to any third party not identified in the response to this Bid Solicitation.

Dated July 11, 2019
Kelly Barrett, RMC, CMR

BOROUGH OF BRADLEY BEACH
701 MAIN STREET
BRADLEY BEACH, NEW JERSEY 07720

REQUEST FOR PROPOSAL
FOR A LEASE FOR FOOD CONCESSION
LOCATED ON BEACHFRONT PROMENADE
OCEAN AVENUE & PARK PLACE AVENUE
(BLOCK 99 LOT 1)

Request for Proposal's must be submitted to:
Borough of Bradley Beach
701 Main Street
Bradley Beach, New Jersey 07720
Attention: Kelly Barrett, Borough Adminsitrator

No later than July 31, 2019 at 4:00 pm

The Lease

The Borough has determined that it no longer needs the sewer plant located on the beachfront and is seeking proposals to renovate and lease the Building for use as a Boardwalk food concession.

Overview

The proposal should include any suggestions for proposed improvements to areas immediately surrounding the building and identify corresponding areas that are adjacent to the facility for which such improvements are proposed.

The proposed Lessee must address its financial commitment and ability to complete the proposed project and include a performance schedule with clearly defined benchmarks and final completion date.

The selected Applicant's authorized use of premises will be for a food concession. The selected Applicant will have an exclusive right to enter into a Lease substantially consistent with the terms contained herein.

Terms

The Borough is prepared to award a Lease for a term of up to ten (10) years. The minimum term for any Lease pursuant to this RFP is five (5) years. Applicant should indicate their preferred Lease term length. The Borough will negotiate the length of the Lease term individually with the successful RFP applicant. This Lease does not convey ownership.

Lease term highlights include:

1. The payment of Fair Market Value Rent based on the building's condition, required level of investment, and length of term proposed.

2. Lease termination clause for cause or default.
3. Facilities and premises must be appropriately insured. Certificate of Insurance must be provided to the Borough upon Lease execution.
4. All policies must name the Borough of Bradley Beach as an additional insured, the Lessee must obtain flood insurance in sufficient coverage amounts, and applicant must provide evidence that such coverage is available in their response to this RFP.
5. Liability insurance must be at least \$1,000,000 per occurrence and \$3,000,000 aggregate, and property insurance coverage on amounts equivalent to the Applicant's level of investment.

Improvements

The Proposal must include a complete renovation of the interior and exterior of the building, which shall include, but not be limited to, upgrades to plumbing, electric and sewer all of which must be approved by the Borough. See attached "Structural Engineer's Report.

All renovation and improvements must be consistent with the Code of the Borough of Bradley Beach and must be undertaken in accordance with ADA-ABA accessibility guidelines.

Plans, including specifications and drawings, must be reviewed and approved in advance by the Borough, in consultation with its professionals.

Condition of the Premises

1. The building will be delivered “As is with all faults.” All rehabilitation, renovation, repairs, maintenance and alterations undertaken by the Lessee must be approved by and coordinated with the Borough.
2. Applicant will be required to conduct an independent evaluation of the condition of the facilities.

Costs

- a. Applicants must state the amount of Rent proposed. When proposing Rent payments, Applicant should take into account restrictions on use of the Leased premises and the requirement under the Lease for Lessee to restore, rehabilitate or otherwise improve the property.
- b. Lessee would be required to pay at least Fair Market Value Rent to the Borough. Fair Market Value will be determined by the Borough after selection of the best proposal, and determined by an appraisal or other evaluation criteria. Borough will provide rental offsets for capital improvements in determining the Fair Market Value Rent.
- c. Applicant should propose a preferred Rent payment schedule.

Utilities

Lessee shall be responsible for all utility costs.

Taxes and Assessments

Lessee is responsible for all applicable taxes and assessments on the Leased property.

Record Keeping

1. Lessee must provide a set of as built drawings at the completion of the project.
2. Copies of all warranties for any appliances, equipment or fixtures placed in the building, including a provision that all warranties are transferable to the Borough. Operations and maintenance records, manuals and schedules provided by the manufacturer must be turned over the Borough.

Sustainable Design

Renovating an existing building is more “green” than constructing new buildings. Applicant should employ sustainable design practices as much as possible in this renovation, the Borough encourages efforts resulting in Leadership in Energy and Environmental Designs (“LEED”) certification or ranked.

Building Permits and Notice to Proceed

Pre-Construction: The Lessee must provide the following before the Lessor will issue any building permit or other construction authorization.

- A. Proposed construction documents including utility plans for the location of existing utilities that may be affected by any improvement made by the Lessee as well as the utility plans and permits from the appropriate public utility companies;
- B. Construction documents will be submitted to the Borough at schematic phase design stage for review, Construction documents will include detailed information about the repairs and alterations including extent of removal and replacement, as well as a full set of specifications;

- C. Construction documents will be prepared by licensed Architects and Engineers. A copy of any contract with Lessee's general contractor, architects or general consultant must be provided to the Borough;
- E. A copy of any contract with the Lessee's general contractor, architects, or consultants must be provided to the Borough;
- G. Documentation that the required construction insurance and requisite bonds are in place;
- H. Other information as may reasonably be required by the Lessor.

The Lessor will not approve proposed Construction Documents unless it is able to determine, among other matters, that any proposed improvements are appropriate for the Boardwalk promenade and consistent with the Borough master plan.

During Construction:

- A. The Borough is entitled to have an inspector or representative who may observe all aspects of the work on the Premises;
- B. Construction Documents must be kept on site at all times for inspection by the Borough;
- C. Any material change in the approved Construction Documents and any deviation in actual construction from these documents are subject to the Borough's prior written approval under the procedures identified in the Lease;

- D. An approved change order will be issued by Borough if proposed changes are approved.

Post Construction: Upon completion of the Improvements, the Lessee must provide the following:

- A. Notice of Completion, which must include a written assessment prepared by an independent third party inspector hired by the Lessee, concluding the improvements have been completed in compliance with the requirements of applicable local building codes;
- B. Satisfactory evidence of the payment of all expenses, liabilities, and liens arising out of or in any way connected with the Improvements;
- C. Complete set of “as built” drawings showing all revisions and substitutions during the construction period, including field changes and the final location of all mechanical equipment, utility lines, ducts, outlets, structural member, walls, partitions, and other significant features of the Improvements which shall become the property of the Borough; and a complete inventory of all Furniture, Fixtures, and Equipment in or on the Premises as of the completion of the Improvements.

Certificate of Completion

Upon Approval by the Lessor of the completion of the Improvements, the Lessor will issue a Certificate of Occupancy.

The Competitive Process

This Lease opportunity is open to all interested persons and businesses on a competitive basis. The Applicant that submits the proposal judged best under the selection criteria will be given an opportunity to negotiate a final Lease agreeable to both the selected Applicant and the Borough.

Overview

To be selected by the Borough, you must demonstrate that you have the capacity to plan and finance your proposal. Evaluation criteria and the process for selecting the Lessee are described in detail below.

The Borough reserves the right to reject one or all proposals or terminate Lease negotiations at any time prior to executing a final Lease, for any or no reason, without penalty or liability.

Proposal Selection Criteria and Required Responses

The Proposals will be evaluated based on the below criteria and each criterion has been assigned a weighting based on the Borough's priorities. Please label your responses accordingly, and respond fully and accurately to all questions and requests. If the required information is not provided, the proposal may be determined non-responsive and will not be further evaluated.

Criterion 1- Use (25%)

Compatibility of the proposed use of the Leased property with respect to preservation, protection, and visitor enjoyment.

Required Response:

- Describe in detail how you plan to operate the concession and what you propose to offer for sale.

Criterion 2 - Financial (30%)

The financial capability of the Applicant to carry out the terms of Lease and Rental payment

Required Response:

Applicant shall:

- Submit a Financial Statement.
- Submit Documentation of the source and availability of funds for the estimated renovations costs through bank statements, bank financing commitment letters, or similar documents that convincingly substantiate your financial capability.
- Describe the personal property investment including all furniture, fixtures, and equipment you propose to use in connection with this opportunity.
- Provide a complete credit report in the name of the Applicant that includes scores and is dated within thirty (30) days prior to the date of submission to the Borough. The report must be from a major credit reporting company such as Equifax, Experian, TRW, or Dun & Bradstreet. If the Applicant is not yet formed, include a credit report for each of the individuals or entities who will have ownership interests or control of the potential Lessee.

Criterion 3 – Rent (15%)

Applicant must propose, an amount of Rent equal to Fair Market Value Rent.

Required Response:

- State how much annual Rent Applicant offers to pay and proposed schedule of payments. The Lessee will be required by the Lease to pay at least Fair Market Value Rent to the Borough. The Fair Market Value Rent will be determined by the Borough after selection of the best proposal and as determined by an appraisal or other

evaluation criteria. When determining the Fair Market Value Rent, the Borough will provide rental offsets for capital improvements. The Rent payment schedule will be negotiated with the selected Applicant.

- The amount offered for Rent should be entered where appropriate in Attachment D Financial Forms.

Criterion 4 – Experience and Managerial Responsibilities (20%)

The experience of the Applicant Demonstrating the managerial capability to carry out the terms of the Lease.

Required Response:

- Describe how your experience and background qualifies you to operate a beachfront concession with high seasonal demand. Submit a detailed business plan including financials describing the proposed operations including theme or concept, and services, menu, marketing, and design.

Criterion 5 - Sustainability (10%)

The Applicant must demonstrate the ability and commitment to conduct activities in the area in an environmentally enhancing manner through, among other programs and actions, energy, conservation, waste reduction, and recycling.

Required Response:

- Describe in your proposal how you will manage and use the property in an environmentally enhancing manner through programs and actions, energy conservation, waste reduction, and recycling.
- Describe your storm preparedness plan.