

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 Avenues), under a Lease term of five (5) years with an optional five (5) year extension.

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 _____, 20__ 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 (the "Lease"), which 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 Respondent 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, the award of the Lease shall not be assigned or otherwise transferred in any manner to any third party not identified in the response to this Bid Solicitation.

Dated _____, 20__
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 Proposals must be submitted to:
Borough of Bradley Beach
701 Main Street
Bradley Beach, New Jersey 07720
Attention: Kelly Barrett, Borough Administrator

No later than _____, 20__ at 4:00 pm

The Lease

The Borough of Bradley Beach (the “Borough”) has determined that it no longer needs the sewer plant located on the beach promenade (Ocean & Park Place Avenues)(the “Premises”) and is seeking proposals to renovate and lease the Premises for use as a Boardwalk food concession.

Overview

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

The Respondent 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 Respondent’s authorized use of the Premises will be for a food concession. The selected Respondent will have an exclusive right to enter into a Lease as Lessee substantially consistent with the terms contained herein.

Terms

The Borough is prepared to award a Lease for a term of five (5) years with an optional five (5) year extension. This Lease does not convey ownership.

Lease term highlights include:

1. The payment of fair market value rent based on the Premises’ condition, required level of investment, and length of term.
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 insurance policies must name the Borough of Bradley Beach as an additional insured, the Lessee must obtain flood insurance in sufficient coverage amounts, and 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 / \$3,000,000 aggregate, and property insurance coverage must be in amounts equivalent to the Lessee's level of investment.

Improvements

The Proposal must include a complete renovation of the interior and exterior of the building (the "Improvements"), 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.

Construction plans, including specifications and drawings, will be reviewed and approved by the appropriate Borough official, in consultation with its professionals. The Lessee's proposal for operation of the concession, including hours, outdoor seating, lighting, garbage removal and environmental considerations, shall be subject to advisory review by the Bradley Beach Planning Board prior to approval by the Borough and issuance of a certificate of occupancy.

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. In order not to trigger the need for a Coastal Area Facilities Review Act (“CAFRA”) permit, the building footprint cannot be expanded in a north / south direction, and the existing building height cannot be increased.
- 2 Applicant will be required to conduct an inspection of the condition of the Premises prior to submission of a proposal. Inspections can be arranged by contacting the Borough Engineer, Jerry Freda, at _____ during regular business hours.

Costs

- a. Respondents must state the amount of rent proposed. When proposing rent amounts, Respondents should take into account restrictions on use of the eased Premises and the requirement under the Lease for Lessee to restore, rehabilitate or otherwise improve the Premises.
- b. Lessee shall pay at least fair market value (FMV) rent to the Borough. FMV will be determined by the Borough after selection of the best proposal, and determined by an appraisal or other relevant criteria. The Borough will provide rental offsets for capital improvements in determining the FMV rent.
- c. Respondents should propose a preferred rent payment schedule.

Utilities

Respondents shall provide a plan indicating the size and location of utility connections.

Lessee shall be responsible for all utility costs.

Taxes and Assessments

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

Record Keeping

1. Lessee must provide a set of “as built” drawings at the completion of the project, including the location and size of all utilities and site lighting which serve the building.
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 a new building. Respondent 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 ranking.

Building Permits and Notice to Proceed

Pre-Construction: The Lessee must provide the following before the Borough will issue a 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 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 contracts with Lessee's general contractor, architects, engineers or other consultant must be provided to the Borough;

D. Documentation that the required construction insurance and requisite bonds are in place; and

E. Other information as may reasonably be required by the Borough.

The Borough will not approve proposed construction documents or authorize the Lessee to proceed 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 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 those documents are subject to the Borough's prior written approval under the procedures identified in the Lease;

- D. A change order will be issued by the 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 that 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; and
- 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 members, 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 Borough of the completed Improvements, the Borough 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 Respondent 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 Respondent 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 criteria below, and each criterion has been assigned a weight 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 not further evaluated.

Criterion 1- Use (25%)

Compatibility of the proposed use of the Premises with respect to preservation, sustainability, visitor enjoyment, healthy food options and extended hours, such as for BYO evenings

Required Response:

- Describe in detail how you plan to operate the concession, including but not limited to hours of operation, outdoor seating, lighting, garbage handling, environmental considerations and menu plans, and what you propose to offer for sale.

Criterion 2 - Financial (30%)

The financial capability of the Respondent to carry out the terms of Lease and rental payment obligation

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 Respondent that includes scores and is dated within thirty (30) days of 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%)

Respondent must propose an amount of rent equal to fair market value (FMV)

Required Response:

- State how much annual rent Respondent offers to pay and proposed schedule of payments. The Lessee will be required by the Lease to pay at least FMV to the Borough. FMV rent will be determined by the Borough after selection of the best proposal and as determined by an appraisal or other relevant criteria. When determining the FMV rent, the Borough will provide rental offsets for capital improvements. The rent payment schedule will be negotiated with the selected Lessee.
- 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 Respondent 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 friendly and 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 friendly and enhancing manner through programs and actions, energy conservation, waste reduction, and recycling.

- Describe your storm preparedness plan.