

~ REQUEST FOR PROPOSALS ~
Borough of Hawthorne

**FOOD SERVICE CONCESSION
HAWTHORNE MUNICIPAL POOL
2018-2019**

The Borough of Hawthorne requests proposals for food concessions at the Hawthorne Municipal Pool for the 2018 pool season, with the option to renew for the 2019 pool season. Pool membership is expected to be approximately 2,500 individuals. Daily attendance will vary. Proposal must be submitted in a sealed envelope clearly marked as “Pool Concession Proposal” to the Borough Clerk, Borough of Hawthorne, 445 Lafayette Avenue, Hawthorne, New Jersey 07506, no later than **11:15 a.m., on Wednesday, March 28, 2018**, at which time all proposals received will be publically opened and read.

OBJECTIVE

The objective is to provide food service to patrons of the municipal pool within the pool facility. Food offered for sale shall consist of pre-packaged items, or items prepared onsite with minimal preparation, or a combination of both. At the Vendor’s option, some or all drinks, ice cream and snacks may be provided via use of a vending machine(s).

VENDING LOCATION

The Borough shall provide a concession stand within the pool facility, consisting of an open-air but roofed serving area, with counters, measuring 11’ by 8’, adjoining a lockable storage room 10’ by 6’, both of which have electrical outlets. Additional outside space is available for use on the concrete-paved area adjacent to the concession stand.

The Vendor shall provide all equipment needed for storage, preparation and sale all of food and drinks, which may include refrigerators, vending machines, a microwave oven, cabinets, counters, grill, or other similar items, provided that they are all kept within the allotted space as noted above.

The Vendor shall be responsible for keeping the area immediately around the concession stand clean and free of litter and debris.

TERM OF CONTRACT/ HOURS OF OPERATION

The contract shall be for a period of operation for the 2018 Pool Season, with an option to renew on an annual basis for one (1) successive season. Either party must give written notice of termination to the other no later than March 1, 2019.

Hours of operation for the pool for the 2018 season will be as follows:

Saturdays & Sundays	May 26-June 17	Noon – 8pm
Memorial Day	May 30	Noon – 8pm
Weekdays	June 18-20	3 pm – 8 pm
All days	June 21-August 12	10 am – 8 pm
All days	August 13 – Sept 2	11 am – 7 pm
Labor Day	Sept 3	11 am – 6 pm

Hours of pool operation for 2019 have not been set but will be similar to those in 2018. The Borough reserves the right to close the pool when appropriate for safety reasons, and to modify the hours of operation.

Each year, all equipment the Vendor needs to make the food service operational shall be on-site no later than the Friday before Memorial Day, and then removed no later than the Friday after Labor Day, except as shall otherwise be approved by the Borough.

Minimal hours of operation shall be 11:30 a.m. to 6:00 p.m. on days the pool is open. Deviation from the base schedule shall be only as approved by the Borough.

The concession fee, as proposed, shall be paid to the Borough in three equal installments: a) the first the Friday before Memorial Day (covering the period beginning the Sunday before Memorial Day, and ending June 30th); b) the second by June 30th (covering the month of July); and the third by July 31st (covering the period beginning August 1st and ending Labor Day).

No contractor shall be entitled to an adjustment of fees payable to the Borough due to closure of the pool, unless the pool shall be closed for more than five (5) consecutive days it is otherwise scheduled to operate, or for more than twenty (20) total days during the pool season.

CONCESSION PRODUCT AND PRICES

The Vendor providing service under this contract shall offer the following minimum menu of food and drinks:

- Bottled water
- At least two varieties of carbonated beverages
- Non-carbonated cold beverages (iced tea, lemonade, etc)
- At least three varieties of ice cream or other frozen treats
- At least three varieties of other snacks (candy, cookies, chips, pretzels, etc)
- At least one variety of hot snack (hot dogs, pizza, etc)

The Vendor is permitted and even encouraged to provide a more extended menu, with consideration given in making the award of a contract to the extent of the menu proposed.

Bidder shall submit with Bid Proposal Form Schedule A (attached) showing the concession menu with the maximum prices for menu items. Schedules must include the size of the item being sold and the price to be charged. Prices charges shall be compatible with prices charged “on the street”.

The Vendor shall submit Schedule A to the Borough Administrator at time of the renewal option. Any alteration to Schedule A that either deletes menu items or raises maximum prices must be submitted in writing and receive the approval of the Borough Administrator before making those changes. Approval shall not be unreasonably denied.

Failure to submit a completed Schedule A shall be cause for rejection of bid. The Borough reserves the right to reject any proposal which includes prices that are substantially higher than prices charged for comparable items by food vendors and restaurants in Hawthorne and vicinity.

COMPLIANCE WITH STATE SANITARY CODE

Vendor shall comply with provisions of Chapter 24 of the State Sanitary Code, as revised January 2007. This code is available for inspection in the Borough's Board of Health Office (2nd floor, Municipal Building).

Any food preparation done off-site shall take place in an approved kitchen or canteen. The location(s) for such off-site preparation must be identified by address in the Proposal.

BUSINESS REGISTRATION

Each bidder, as part of the bid package, shall supply a copy of a Business Registration Certificate issued by the New Jersey Treasury Department demonstrating that the bidder has registered as a taxpaying business within New Jersey. Information on how a business can obtain a certificate or to register on line can be obtained from the New Jersey Department of the Treasury, Division of Revenue, either online at <http://www.nj.gov/treasury/revenue/taxreg.htm> or by phone at (609) 292-1730.

BACKGROUND CHECK

Prior to beginning operation, the Vendor shall supply to the Borough an authorization for a criminal background on every individual who will be working onsite in the provision of services on site under this contract. At its sole discretion, the Borough, upon reviewing the information obtained in this background check, may prohibit a given individual from working on site. Additional employees may be added during the course of the season only after successful completion of a criminal background check and approval by the Borough.

OTHER VENDOR REQUIREMENTS

The Vendor shall at least one employee on-site during the minimum hours of operation each day (11:30 am to 6:00 pm), but may elect to provide limited service via vending machines at other hours.

All employees of the Vendor, while on site, shall dress in clean clothes, wearing shirts, pants or skirts, and shoes appropriate to the season.

No items may be sold or dispensed in glass containers.

The Borough shall not be responsible for any losses or damage to equipment or materials.

In making deliveries of materials and supplies, no vehicles may be permitted on the walk/drive up from the parking lot to the main pool entrance from one-half-hour before opening until one-half-hour after closing. When possible, deliveries shall be through the back gate and coordinated with pool staff.

The vendor shall answer to the on-duty Pool Manager in the conduct of the food concession in order to assure an orderly operation in co-ordination with pool operations.

INSURANCE

The Contractor shall maintain the following insurance coverage in companies acceptable to the Borough of Hawthorne, which will protect him from claims for damages which may arise from operations under this Contract whether such operations be by himself or by any subcontractor or anyone directly or indirectly employed by either of them:

Workers Compensation -- statutory limit; an Employer's Liability Insurance limit of not less than \$1,000,000.00. The policy to include a provision that the insurer agrees to waive all rights of subrogation against the Borough of Hawthorne, its employees or agents. If the successful bidder has no employees, but rather will provide all services as an individual, a signed affidavit that there are no other employees will suffice.

Comprehensive General Liability (Occurrence Form) Coverage for protection against all claims arising from injuries to any or all persons (including death resulting (there from) and damage to property (including loss of use thereof) arising out of any act or omission of the Contractor, his agents and employees. The limits of liability shall not be less than \$500,000 each occurrence and aggregate where applicable.

All of the aforementioned policies with the exception of Workers Compensation shall name Borough as an additional insured and copies of such policies or certificates of insurance shall be delivered to the Borough as a pre-condition to commencement of the furnishing of work, labor or services hereunder.

ABANDONMENT

If for any period five (5) consecutive days, Contractor fails to staff / operate the concession in good faith during Contractor's hours of operation, the premises shall be deemed abandoned by the Contractor, and the Borough of Hawthorne shall terminate this lease without need for further action. All property remaining on the premises shall be deemed abandoned by the Contractor.

Contractor shall have all necessary licenses and be operational no later than Memorial Day or this lease shall be considered terminated, without further action by the Borough.

BASIS OF AWARD

Contract(s) will be awarded based on a comprehensive review of competing proposals, considering the following factors:

- Concession fee payable to the Borough
- Proposed hours of operation
- Variety and completeness of menu offered to pool patrons
- Affordability of maximum prices of menu items
- Experience and qualifications of prospective vendor

The Borough reserves the right to reject any and all proposals, to waive any informalities or to accept a proposal, which, in its judgment best serves the interest of the Borough.

OTHER

The previous vendor has agreed to be available to provide information to potential proposers. Barbara Agnello, owner of Flo's Market, may be reached weekday evenings from 6:00pm to 9:00pm at (551) 579-3711.

Questions regarding this Request for Proposals may be directed to Borough Administrator Eric Maurer, (973) 427-1168.

**BOROUGH OF HAWTHORNE
 SPECIFICATIONS AND CONDITIONS FOR VENDING MACHINES
 AT HAWTHORNE POOL**

SCHEDULE A – PROPOSED MENU

For any items NOT sold pre-packaged, describe method of preparation. Indicate of drinks are in bottles or cans; glass bottles are prohibited.

Item	Varieties Offered	Size(s)	Maximum Price(s)
REQUIRED ITEMS			
Bottled Water			
Carbonated Beverages (minimum of 2 varieties to be offered)			
Non-carbonated Beverages			
Ice cream and frozen treats			
Packaged snacks (minimum of 3 varieties to be offered):			
Chips			
Cookies			

Candy			
Other			
Hot items (minimum of 1 variety to be offered):			
Hot Dog			
Pizza			
Other			
OPTIONAL ITEMS			

**BOROUGH OF HAWTHORNE
SPECIFICATIONS AND CONDITIONS FOR LEASE OF CONCESSION
AT HAWTHORNE POOL**

**SCHEDULE B
QUALIFICATIONS OF PROSPECTIVE VENDOR**

EXPERIENCE IN FOOD CONCESSIONS

(give locations, type of service, dates)

1. _____
2. _____
3. _____
4. _____
5. _____

EQUIPMENT TO BE USED IN THIS CONTRACT

<i>ITEM</i>	<i>MFG & MODEL</i>	<i>OWNED/LEASED</i>	<i>UTIL. NEEDED</i>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

BUSINESS REFERENCES

<i>NAME</i>	<i>PHONE</i>	<i>ADDRESS</i>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____

DISCLOSURE STATEMENT

STATEMENT PURSUANT TO P.L. 1977, CHAPTER 33,
APPROVED, March 8, 1977.

ACCOMPANYING PROPOSAL DATED _____

FOR: _____

LISTED BELOW ARE THE NAMES AND ADDRESSES OF ALL STOCKHOLDERS WHO OWN 10% OR MORE OF THE STOCK OF THE CORPORATE BIDDER HEREIN OR IF A PARTNERSHIP, LISTED BELOW ARE THE NAMES AND ADDRESSES OF ALL INDIVIDUAL PARTNERS IN THE PARTNERSHIP BIDDING HEREIN WHO OWN 10% OR GREATER INTEREST THEREIN.

<u>NAME</u>	<u>ADDRESS</u>	<u>PERCENT</u>
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Name of Corporation or Partnership

By: _____
Name of President, Secretary or Partner

Signature

Subscribed and sworn to
before me this _____ day
of _____, 2018

Notary Public

My commission expires _____

STATE OF NEW JERSEY --
DIVISION OF PURCHASE AND PROPERTY DISCLOSURE OF INVESTMENT ACTIVITIES IN IRAN

Quote Number:

Bidder/Offeror:

PART 1: CERTIFICATION
BIDDERS MUST COMPLETE PART 1 BY CHECKING EITHER BOX.

FAILURE TO CHECK ONE OF THE BOXES WILL RENDER THE PROPOSAL NON-RESPONSIVE.

Pursuant to Public Law 2012, c. 25, any person or entity that submits a bid or proposal or otherwise proposes to enter into or renew a contract must complete the certification below to attest, under penalty of perjury, that neither the person or entity, nor any of its parents, subsidiaries, or affiliates, is identified on the Department of Treasury's Chapter 25 list as a person or entity engaging in investment activities in Iran. The Chapter 25 list is found on the Division's website at <http://www.state.nj.us/treasury/purchase/pdf/Chapter25List.pdf>. Bidders must review this list prior to completing the below certification. **Failure to complete the certification will render a bidder's proposal non-responsive.** If the Director finds a person or entity to be in violation of law, s/he shall take action as may be appropriate and provided by law, rule or contract, including but not limited to, imposing sanctions, seeking compliance, recovering damages, declaring the party in default and seeking debarment or suspension of the party

PLEASE CHECK THE APPROPRIATE BOX:

I certify, pursuant to Public Law 2012, c. 25, that neither the bidder listed above nor any of the bidder's parents, subsidiaries, or affiliates is listed on the N.J. Department of the Treasury's list of entities determined to be engaged in prohibited activities in Iran pursuant to P.L. 2012, c. 25 ("Chapter 25 List"). I further certify that I am the person listed above, or I am an officer or representative of the entity listed above and am authorized to make this certification on its behalf. **I will skip Part 2 and sign and complete the Certification below.**

OR

I am unable to certify as above because the bidder and/or one or more of its parents, subsidiaries, or affiliates is listed on the Department's Chapter 25 list. I will provide a detailed, accurate and precise description of the activities in Part 2 below and sign and complete the Certification below. Failure to provide such will result in the proposal being rendered as non-responsive and appropriate penalties, fines and/or sanctions will be assessed as provided by law.

PART 2: PLEASE PROVIDE FURTHER INFORMATION RELATED TO INVESTMENT ACTIVITIES IN IRAN

You must provide a detailed, accurate and precise description of the activities of the bidding person/entity, or one of its parents, subsidiaries or affiliates, engaging in the investment activities in Iran outlined above by completing the boxes below.

EACH BOX WILL PROMPT YOU TO PROVIDE INFORMATION RELATIVE TO THE ABOVE QUESTIONS. PLEASE PROVIDE THOROUGH ANSWERS TO EACH QUESTION. IF YOU NEED TO MAKE ADDITIONAL ENTRIES, CLICK THE "ADD AN ADDITIONAL ACTIVITIES ENTRY" BUTTON.

Name	Relationship to Bidder/Offeror
Description of Activities	
Duration of Engagement	Anticipated Cessation
Date Bidder/Offeror Contact Name	Contact Phone Number

ADD AN ADDITIONAL ACTIVITIES ENTRY

Certification: I, being duly sworn upon my oath, hereby represent that the foregoing information and any attachments thereto to the best of my knowledge are true and complete. I acknowledge: that I am authorized to execute this certification on behalf of the bidder; that the State of New Jersey is relying on the information contained herein and that I am under a continuing obligation from the date of this certification through the completion of any contracts with the State to notify the State in writing of any changes to the information contained herein; that I am aware that it is a criminal offense to make a false statement or misrepresentation in this certification, and if I do so, I am subject to criminal prosecution under the law and that it will constitute a material breach of my agreement(s) with the State, permitting the State to declare any contract(s) resulting from this certification void and unenforceable.

Full Name (Print):

Signature:

Do Not Enter PIN as a Signature

Title:

Date:

(MUST BE COMPLETED AND SUBMITTED WITH BID PROPOSAL)

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY
COUNTY OF _____

I, _____ of the Municipality of _____ in the County
of _____ and the State of _____
being of full age and being duly sworn according to law on my oath depose and say that:

I am _____

of the firm of _____
the bidder making the Proposal for the above named project; that I executed the said
Proposal with full authority so to do; that said bidder has not, directly or-indirectly,
entered into any agreement, participated in any collusion or otherwise taken any action in
restraint of free, competitive bidding in connection with the above named project; that all
statements contained in said Proposal and in this affidavit are true and correct, and made
with full knowledge; that the State of New Jersey and Owner relies upon the truth of the
statements contained in said Proposal and in this affidavit in awarding the contract for the
said project.

I further warrant that no person or selling agency has been employed or retained to solicit
or secure such contract upon an agreement or understanding for a commission,
percentage, brokerage or contingent fee, except bona fide employees or bona fide
established commercial or selling agencies maintained by
_____ (N.J.S.A. 52:34-15)

Signature: _____

Subscribed and sworn to
before me this _____ day
of _____ 2018

Notary Public

My commission expires _____