

TOWNSHIP OF PEQUANNOCK

SOLICITATION FOR CONCESSION OPERATOR FOR THE PEQUANNOCK VALLEY (PV) PARK LAKE CONCESSION STAND – 2023 SEASON

The Township of Pequannock is soliciting quotes for a Concession Operator for the Pequannock Valley (PV) Park Lake Concession Stand, located off Alexander Avenue in the Township of Pequannock.

Submission Deadline: 10:00 am Thursday, February 9, 2023

Address all Quotes to:

Adam W. Brewer, Township Manager
Township of Pequannock
530 Newark-Pompton Turnpike
Pompton Plains, New Jersey 07444

Quotes may be hand delivered or mailed. In the case of mailed quotes, the Township assumes no responsibility for quotes received after the above-stated designated date and time. Statements received after the designated date and time for receipt will not be accepted and will be returned unopened.

Proposers are responsible for inspecting the premises prior to submitting a quote so as to have full knowledge of the suitability of the premises and equipment for their operation. No allowance will subsequently be made to the proposer for errors on his part due to his negligence in performing the conditions of this paragraph. Arrangements for an inspection of the premises can be made by contacting Barbara Meloy, Recreation Coordinator at 973-835-5700 ext. 145.

Each quote and all required submittals must be signed by a person authorized to do so. Quotes must cover all information in this request. Responses which in the judgment of the Township fail to meet the requirements of this request, which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected. All communications concerning this request shall be directed, in writing, to the Township Manager. The Manager's decision shall be final and conclusive.

The Township, in its sole discretion, reserves the right to reject any or all qualifications and to waive any and all irregularities as is in the best interest of the Township. A final award shall be made by Resolution adopted by a majority of the Township Council based upon the quote made to the Township that has been determined to be **the most advantageous to the Township, price and other factors considered**. The Township Council reserve the right to negotiate the terms and conditions with any qualified proposer before making its determination and appointment.

PURPOSE OF REQUEST

The Township of Pequannock (the "Township"), a Municipal Corporation in the County of Morris and the State of New Jersey, with its principal offices at 530 Newark-Pompton Turnpike, Pompton Plains, is requesting quotes from qualified individuals or companies to serve as Concession Operator for the Pequannock Valley (PV) Park Lake Concession Stand, located off Alexander Avenue in the Township of Pequannock, as more fully described herein, through a fair and open process pursuant to N.J.S.A. 19:44-20.5 et seq.

Quotes will be evaluated in accordance with the criteria set forth here. The Township will only review those quotes that include all information required to be included by this request.

The Township of Pequannock reserves the right to close Pequannock Valley Park at any time during the duration of this contract. In the event the Township closes the park, the Concession Operator shall only be responsible for the pro rata portion of the concession fee through the date of closure.

SCOPE OF SERVICES

The Concession Operator shall operate the concession stand located at Pequannock Valley (PV) Park in the Township of Pequannock. The Concession Operator shall provide all necessary supervision and staffing to prepare the concession stand for operation, operate the park concession stand as specified during the operating season, and clean up and close the concession stand at the completion of the lake season.

Operating Requirements - The concession stand shall be operated at all times in accordance with the following requirements:

The concession stand shall be open during all hours of operation for the park, from May 27, 2023 through September 4, 2023, including special events such as swim meets. July 8, 2023 is the annual PV Park Food Truck Festival; the Concession Operator may elect to remain closed during the event.

1. Specific hours of operation are as follows:
 - May 27, 2023 through June 25, 2023: Mon-Fri 2 PM to 7 PM, Sat 10 AM to 7 PM, Sun 11 AM to 7 PM
 - June 26, 2023 through July 23, 2023: Mon-Sat 10 AM to 8 PM, Sun 11 AM to 8 PM
 - July 24, 2023 through September 4, 2023: Mon-Sat 10 AM to 7 PM, Sun 11AM to 7 PM
2. The Concession Operator shall provide an adult supervisor, at least 21 years of age at all times at the concession stand.
3. The Concession Operator shall be responsible for properly training all staff members and shall require staff to attend food handling courses if required by the Health Officer.
4. The Concession Operator shall be responsible for keeping the patio area, including any picnic tables, benches and trash containers, clean at all times.
5. The Concession Operator shall provide any additional equipment he/she deems necessary, e.g., soda dispensing equipment and freezer, at his/her own expense.
6. The Concession Operator shall obtain all required Board of Health permits and licenses and maintain the Concession stand in accordance with Board of Health requirements. It is the Concession Operator's responsibility to schedule all required Board of Health inspections, prior to opening.
7. No tobacco products or chewing gum may be sold at the concession stand.
8. All beverages shall be sold in paper cups or plastic bottles. Glass bottles shall not be permitted.

9. No vending machines shall be permitted without the express written approval of the Township.
10. Insurance as further described under Insurance Requirements
11. The Concession Operator shall provide adequate staffing at all times so that the time required to be served does not become excessive.
12. The Concession Operator shall provide a selection of menu items and pricing on basic items and coordinate prices on a par with other similar municipal concession stands.
13. The Concession Operator shall adequately clean, to the satisfaction of the Health Officer and the Director of Recreation, the concession stand and remove all inventory within two (2) weeks of the park's closing.
14. Following award of the contract but prior to the opening date of the season, the Concession Operator shall submit a list of names of all supervisors and employees and corresponding evidence from the NJ State Police, documenting a lack of criminal history for each/all employees.
15. The Township of Pequannock shall pay for all utilities and repair or replace, as necessary, any equipment in the concession stand which has been supplied by the Township, unless the proposer's negligence is determined to be the cause of any failure. The determination of the presence or absence of negligence will fall to the Director of Parks and Recreation in consultation with the Director of Public Works. The determination of the Directors may be ultimately appealed to the Township Manager. The Township Manager's decision shall be final.

Proposed Menu – Each proposer shall submit a proposed menu with pricing for each concession stand. The Concession Operator shall agree to provide no less than 90 percent of the items proposed and to provide the following mandatory items: soda (regular and diet); iced tea (regular and diet); coffee; bottled water; hamburgers and hotdogs; French fries; chicken strips or tenders and ice cream. Pricing for menu items cannot be increased from the quote price at any time during the duration of the contract without the prior written approval of the Township Manager.

Health Regulations – The Concession Operator shall comply with all requirements of the Township of Pequannock Board of Health and Health Officer.

The Concession Operator shall keep the concession stand and all adjoining seating areas, tables and benches clean and free from litter and debris at all times. Prior to opening each day, all counters and floors shall be cleaned and the seating area shall be washed down. Further, all tables shall be washed on a regular basis throughout the day.

The Concession Operator shall remove all garbage to the dumpsters on a regular basis, at least once daily, and shall comply with all recycling requirements of the Township.

Concession Fee - Proposers shall list a proposed concession fee on the included proposal form.

The Concession Operator shall make payment in accordance with the following schedule:

- I. Upon execution of the Contract and submission of required insurance indemnification, and Prior to May 27, 2023- 50% of Concession Fee
- II. July 1st – 25% of Concession Fee
- III. August 1st – 25% of Concession Fee

Conduct of Employees – The Concession Operator, his/her employees, staff and supervisors shall, at all times, conduct themselves in a professional, courteous, pleasant and enthusiastic manner. All employees shall be well-groomed and properly attired at all times.

Concession Operator's Suppliers – The Township reserves the right to require a list of all suppliers providing food, products and supplies to the Concession Operator for his/her operation. The Concession Operator may be required to obtain a release of lien from all such suppliers and may be required to provide documentation that all suppliers have been paid in full. Under no circumstances shall the Township be responsible for accepting and/or conducting deliveries from suppliers.

Default – In the event the Concession Operator fails to open for business and operate at any time during normal hours of park operation, the Township shall have the right to charge him/her the sum of \$100.00 per hour for each and every hour the concession stand is not open and operating. This amount shall not be a penalty, but liquidated damages, and shall constitute a fair and reasonable estimate of the amount the Township will suffer by reason of such default.

In the event the Concession Operator fails to open for business and operate for a total of more than twenty (20) hours during normal hours of park operation during the park season, the Township may, in addition to or in lieu of the liquidated damages set forth above, declare the Concession Operator to be in default of the contract. In the event the Township declares the Concession Operator to be in default of the contract, the Township shall have the right to immediately terminate the contract. In the event the contract is terminated by the Township, the Concession Operator shall be liable to the Township for any damages or loss sustained as a result of the default.

CONTRACT FORM

The successful proposer shall be required to execute the Township's standard form contract, which shall include, but shall not be limited to, indemnification, insurance, termination and licensing provisions.

INSURANCE REQUIREMENTS

The vendor shall purchase and maintain such comprehensive general liability and other insurance as will provide protection and hold the Township harmless from claims set forth below which may arise out of or result from the vendors performance of the work and successful concessionaire's other obligations under the contract documents, whether such performance of the work is by the concessionaire or by any subcontractor, by anyone directly or indirectly employed by any of them or by anyone for whose acts any of them may be liable in accordance with the following:

- A. Claims under Workers' Compensation, disability benefits and other similar employee benefit acts;

B. Claims for damages because of bodily injury, occupational sickness or disease or death of vendor's employees.

C. Claims for damages because of bodily injury, sickness or disease or death of any person other than the vendor's employees;

D. Claims for damages insured by personal injury liability coverage which are sustained:

1. By any person as a result of an offense directly or indirectly related to the employment of such person by the vendor.
2. By any other person for any other reason.

E. Claims for damages because of injury to or destruction of tangible property, including loss of use resulting therefrom.

F. Claims for damages because of bodily injury or death of any person arising out of operation of law.

G. Product Liability.

All such insurance shall contain a provision that the coverage afforded will not be canceled, materially charged or renewal refused until at least thirty (30) days prior written notice has been given to the Township of Pequannock. All insurance shall remain in effect until the final payment.

Certificates of Insurance shall be acceptable to the Township and shall contain a provision that coverages afforded under policies will not be canceled or materially changed until at least thirty (30) days prior written notice has been given to the Township and the vendor. The vendor is reminded that policies must be issued on an act of occurrence basis.

The policies shall provide that neither the vendor, nor its insurer, shall have any right to subrogation against the Township, its employees and agents. It is the intention of the parties that the policies shall protect all the parties and be primary coverage for any and all losses covered by the above-described insurance.

The vendor shall provide insurance with coverage not less than the following amounts or greater where required by law:

1. Workers' Compensation - unlimited coverage and in accordance with the New Jersey statutes for employer's liability.

2. Comprehensive general and contractual liability insurance coverage. Policy to include personal liability, property damage, contractual liability, explosion, collapse and underground hazard coverage and completed operations coverage for the term of the contract:

Each Person:	\$ 500,000.00
Each Occurrence:	\$1,000,000.00

3. Excess general liability umbrella coverage at a minimum of \$2,000,000.00.

Endorsements shall indemnify and hold harmless the Township of Pequannock and its agents and employees from and against all claims, damages, losses and expenses incurred in the performance of the contract.

The Township of Pequannock, its officials, agents and employees shall be named as additional insureds on General Liability and Umbrella policies.

Copies of all policies shall be furnished to the Township upon request.

MINIMUM QUALIFICATIONS- Proposers must meet the following minimum qualifications:

- Proposers must have at least three (3) years experience in the food and beverage industry.
- Proposers must further have one (1) year experience providing concession operation services similar to those proposed herein in the operation of a similar facility for a term of contract of at least one (1) year.
- Proposers are instructed to identify any public agencies serviced by the proposer during the last five (5) years, including the name and contact information of the individual responsible for overseeing the work of the proposer.

PROPOSER'S RESPONSIBILITY IN RESPONDING - In response to this request, each proposer shall provide at a minimum the following information:

A. Qualification Information.

- Full Name;
- Business Name, Address and Telephone Number;
- Brief description of the business entity including organizational structure and total number of employees;
- Background information regarding all identified staff members that accurately describes his/her employment history and relevant experience;
- Brief summary of the company's qualifications;
- List of proposed menu items;
- List proposed concession fee for Pequannock Valley (PV) Park Concession stand for the year. Identify all previous experience in the food and beverage service industry and in providing concession operation services of a similar nature to those proposed herein within the past five (5) years, including any public agencies serviced by proposer. Include the name and contact information of the person responsible for overseeing the proposer's work under the contract;
- Provide proof of at least three (3) years experience in the food and beverage industry;
- Provide proof of one (1) year experience providing concession operation services similar to those proposed herein in the operation of a similar facility for a term of contract of at least one (1) year.
- Provide at least five (5) references with the name, address and telephone number of the contact person;
- Any additional information you would like the Township to consider in evaluating your quote.

B. Proof of Business Registration Certificate. Proposers shall submit proof of Business Registration Certificate as required by N.J.S.A. 52:32-44.

COST QUALIFICATION – By submission of a proposed concession fee, proposers acknowledge and agree to adhere to any contract amount limitations set forth herein.

QUOTE EVALUATION – The Township will select the most advantageous quote based on all of the evaluation factors set forth below. The Township will make the award that is in the best interest of the Township. Each quote must satisfy the objectives and requirements detailed in this request. The successful proposer shall be determined by an evaluation of the total content of the qualification submitted with due consideration to the qualifications of the proposer, all factors considered.

RIGHT OF THE TOWNSHIP - The Township reserves all rights to make an award to the proposer who has submitted quotes in accordance with the terms of this request, or to reject all quotes, or to waive any irregularities in any of the quotes, or to take such other actions as the Township, in its sole discretion, determines to be in the most advantageous to the Township, all factors considered. The Township Council reserve the right to negotiate the terms and conditions with any qualified proposer before making its determination and appointment. The Township shall not be obligated to explain the results of the evaluation process to any proposer.

The Township further reserves the right to close the park at any time during the duration of this contract. In the event the Township closes the park, the Concession Operator shall only be responsible for the pro rata portion of the concession fee through the date of closure.

BASIS OF AWARD
EVALUATION FACTORS

The Township's objective in soliciting quotes is to enable it to select an individual or company that will provide high quality and cost effective concession operator services to the Township. The Township will consider quotes only from those individuals or firms that, in the Township's sole judgment, have demonstrated the capability and willingness to provide the services contemplated by this request.

Quotes will be evaluated by the Township on the basis of the most advantageous submission, all relevant factors considered. The evaluation will consider:

- A. Proposed Concession Fee;**
- B. Relevance and Extent of Qualifications, Experience, Reputation and Training of Personnel to be assigned;**
- C. Knowledge of the Township of Pequannock and the subject matter to be addressed under this engagement;**

A final award shall be made by Resolution adopted by a majority of the Township Council based upon the quote made to the Township that has been determined to be **the most advantageous to the Township, all factors considered**. The Township Council reserve the right to negotiate the terms and conditions with any qualified proposer before making its determination and award. All awards are and shall be subject to the availability of funds.

TOWNSHIP OF PEQUANNOCK
MORRIS COUNTY, NEW JERSEY

**SOLICITATION FOR CONCESSION OPERATOR FOR THE
PEQUANNOCK VALLEY (PV) PARK LAKE CONCESSION STAND**

QUOTE

TO TOWNSHIP OF PEQUANNOCK

The undersigned having carefully examined the information contained in this request for quote and ability to provide as Concession Operator services as described herein, hereby proposes to furnish all labor and materials, equipment, operations and incidentals, and to perform said services in strict accordance with this request and to the full and entire satisfaction of the Township for the sum of

One year Contract 2023 Season.

Amount in words

\$ _____
Amount in numbers

The undersigned further declares that he understands the scope of work and will complete the work within the prescribed time.

NAME OF THE PROPOSER: _____

NAME OF AUTHORIZED SIGNATORY: _____

AUTHORIZED SIGNATORY SIGNATURE: _____

DATE: _____

CONTACT ADDRESS: _____

PHONE #: _____

E-MAIL ADDRESS: _____

Federal I.D. of Social Security #: _____

TOWNSHIP OF PEQUANNOCK

PREVIOUS CONTRACTS
Exhibit A

Please list previous work of a similar nature completed within the past five (5) years.

A. Owner: _____

Business Address of Owner: _____

Phone Number: _____

Type of Work: _____

Contract Price: _____

Extra Work Required: _____

Approximate Date of Contract: _____

Approximate Date of Completion: _____

Name and Contact Information of Reference: _____

B. Owner: _____

Business Address of Owner: _____

Phone Number: _____

Type of Work: _____

Contract Price: _____

Extra Work Required: _____

Approximate Date of Contract: _____

Approximate Date of Completion: _____

Name and Contact Information of Reference: _____

C. Owner: _____

Business Address of Owner: _____

Phone Number: _____

Type of Work: _____

Contract Price: _____

Extra Work Required: _____

Approximate Date of Contract: _____

Approximate Date of Completion: _____

Name and Contact Information of Reference: _____

D. Owner: _____

Business Address of Owner: _____

Phone Number: _____

Type of Work: _____

Contract Price: _____

Extra Work Required: _____

Approximate Date of Contract: _____

Approximate Date of Completion: _____

Name and Contact Information of Reference: _____

E. Owner: _____

Business Address of Owner: _____

Phone Number: _____

Type of Work: _____

Contract Price: _____

Extra Work Required: _____

Approximate Date of Contract: _____

Approximate Date of Completion: _____

Name and Contact Information of Reference: _____

GENERAL BUSINESS REFERENCES
Exhibit B

(List at least 5)

Name	Occupation	Business Address	Phone No.

TOWNSHIP OF PEQUANNOCK

DOCUMENT CHECKLIST
Exhibit I

Required	Submission Requirement	Initial each required entry and if required submit the item
☒	Business Registration Certificate (if not provided at time of submission must be provided prior to award of contract)	
☒	List of References	
☒	List of Previous Contracts	
☒	Quote/Signatory Page	

*This form should be submitted with the quote. It is provided for proposer's use in assuring compliance with all required documentation.