

**LEASING OPPORTUNITY**  
 Gateway National Recreation Area  
 Mobile Food & Beverage Vending and Equipment Rental  
 at Sandy Hook



**REQUEST FOR BIDS**  
 (Term: up to 3 years)

<b>RFB Release Date:</b> March 30, 2023	<b>Initial Bid Submittal Deadline*:</b> Monday May 1, 2023 1:00 PM EDT
<b>Site Tour:</b> Upon Request	<b>Anticipated Date for Selection Bidder/s:</b> May 12, 2023
<b>Submit Questions To:</b> gateway_bmd@nps.gov	<b>Anticipated Lease Commencement:</b> On/before Memorial Day Weekend 2023

*\*NPS may accept proposals until all sites available under the RFB are leased.*

## **A. The National Park Service and Gateway National Recreation Area**

### **A1. The National Park Service and its Mission:**

America's National Park Service was created by Congress to "conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations." Additionally, Congress declared the National Park System should be, "...preserved and managed for the benefit and inspiration of all the people of the United States." The National Park Service (NPS) has as its overall mission the preservation and public enjoyment of significant aspects of the nation's natural and cultural heritage.

**54 U.S.C. 102102** (formerly 16 U.S.C. 1a-2(k)) allows the NPS to lease certain federally owned or administered property located within the boundaries of park areas. The leasing process is regulated pursuant to **36 C.F.R. § 18**.

To learn more about the NPS, visit our website at [www.nps.gov](http://www.nps.gov). This site includes information about who we are, our mission, NPS policies, and individual parks.

### **A2. Gateway National Recreation Area:**

Gateway National Recreation Area (Gateway) was established in 1972 as the nation's first urban National Park. Gateway is comprised of three park Units in two states - the Jamaica Bay and Staten Island Units in New York, and the Sandy Hook Unit in New Jersey. The facilities offered in this Request for Bid (RFB) are located in the Sandy Hook beach plazas.

### **A3. Sandy Hook Unit:**

Sandy Hook is located at the northern end of the New Jersey shore, accessible via Route 36 in Monmouth County. Sandy Hook is situated at the southern entrance of Lower New York Bay. The approximate 7-mile stretch of spectacular ocean and bay waters make Sandy Hook a favorite Jersey Shore getaway for Garden State residents and others. Those in New York City can also enjoy Sandy Hook beaches and recreation due to the convenience of a 45-minute ferry ride from the Wall Street area and 35th Street to the Fort Hancock Historic Post at Sandy Hook, at which large scale revitalization efforts are underway. More information about Fort Hancock can be found at [www.nps.gov/gate](http://www.nps.gov/gate).

During summers, Sandy Hook is typically a destination for over two million visitors. Historic annual visitation figures are public and available to review here <https://irma.nps.gov/Stats/Reports/Park>. Sandy hook offers special events throughout the season such as half marathons, bike races, and cooperater run events throughout the season. Standard amenities at beach locations include public bathrooms, showers, and vending machines.

## **B. Request for Bids Summary**

This opportunity is a Request for Bid (RFB). NPS may accept bids until all sites available under the RFB are leased. In the event the NPS and a selected Bidder fail to execute a lease, or in the event any such lease is terminated resulting in a vacancy, the NPS reserves the right to negotiate a Lease with the next highest bidder from the accepted pool of applicants who offers the type of food or service identified as acceptable for that particular location. Until a Lease for any particular site is executed, NPS reserves the right to reject one or all bids, discontinue the solicitation, or terminate Lease negotiations, at any time prior to executing a final Lease without penalty or liability.

This RFB provides the opportunity for interested individuals and organizations to submit bids to the NPS to lease select designated areas, such as cement pads at select Sandy Hook beach centers (also identified as beach plazas) under the general terms and conditions contained herein. Areas available for lease are for terms of **up to three years with a lease expiration date no later than September 30, 2025**. Please refer to Table A in Section B.3 for additional information. See the attached "Offered Lease" for terms of use and occupancy. The agreement negotiated between NPS and the Selected Applicants cannot differ materially from the terms of this RFB.

### **B1. Property Offered for Lease:**

The facilities for lease are located in the Sandy Hook Unit of Gateway National Recreation Area. The premises include areas such as concrete pads at multiple locations, as well as portions of Beach Plazas and other locations identified by NPS suitable for mobile food & beverage vending and beach equipment rental. As water hook-ups and drainage are not available, Lessees will be responsible for providing sufficient water for operations and disposing of gray & wastewater offsite in accordance with NPS policy. Electricity may be available at specific sites. In the event electricity is not provided, gas or propane generators may be permitted in connection with mobile operations.

### **B2. Use of Property:**

The Offered Lease will authorize use and occupancy of government land and facilities in connection with the sale of food/beverage/convenience items, and beach equipment rentals. The sale of alcohol is PROHIBITED at all locations.

### **B3. Use Types**

The following types of services will be considered:

<b>*Service Type</b>	<b>Examples:</b>
Hot Food	This may include a variety of hot foods including but not limited to breakfast items, hot dogs, pizza, hamburgers, hot sandwiches, barbeque, tacos, empanadas, as well other types of cuisine.
Cold Food	This may include a variety of foods including but not limited to salads, cold sandwiches, and other types of cuisine.
Desserts	This may include a variety of items, including but not limited to, ice cream, candy, and pastries.
Beach Equipment	Single pole umbrellas not to exceed 8' in diameter, chairs, and sale of beach sundries

*In the event more than one vendor applies for the opportunity to sell the same type of food/fare or provide the same type of service, NPS will select based on the highest bid, assuming the vendor has met all the other requirements of the RFB.*

Selected Food & Beverage Applicants must comply with FDA Food Code which can be found at:

<https://www.fda.gov/food/fda-food-code/food-code-2017>

1. Selected Applicants must demonstrate compliance with the "Certified Food Safety Manager" Certification as well as the Mobile Food Establishment requirements under the 2017 FDA Food Code. The NPS Public Health Program provides support for food service operations through periodic food establishment assessments. The assessments are conducted on a frequency established by NPS. All assessments will be completed pursuant to guidelines established by applicable law, regulation, and policy, including the most recent version of the Food and Drug Administration (FDA) Food Code, which can be found at: <https://www.fda.gov/food/fda-food-code/food-code-2017>
2. Assessments conducted by NPS will be undertaken by Regional Public Health Consultants or Park Sanitarians.

There may be an option for successful bidders to lease additional land for storage purposes at Beach Areas E (1 spot) and I (2 spots) based on highest bid. In the event there are matching bids and demand from successful bidders exceeds capacity, storage areas will be awarded by lottery drawing from among bids of equal value. Such areas are separately available for rent in support of activities authorized in connection with this opportunity at an **additional minimum cost of \$500** per season for every season during which the Lease is in effect. Use of such areas is limited to the storage of plain steel or neutral colored conex-type containers supplied by the Lessee. Containers may not to exceed 10' x 10' x 10' and must support a corresponding mobile operation. Containers may ONLY be used to store supplies & equipment. Electric service is not available in connection with same and storage of perishables is strictly prohibited. Storage containers or boxes may be installed no sooner than May 10<sup>th</sup> of each year during which the corresponding

Lease is in effect and must be removed by November 1<sup>st</sup> of each year during which the corresponding Lease is in effect.

All Premises shall be subject to the general supervision and inspection by the NPS and to such rules and regulations regarding ingress, egress, safety, sanitation, and security, as may be prescribed by the Park Superintendent from time to time. The Lessee shall be responsible for the maintenance and repair of the Premises and any improvements to the Premises that may be necessary during the term of the Offered Lease. Lessee must be aware the facility is located in a public space.

**Minimum Operating Hours, Service Type by Location and Minimum Bid per Location:**

The Superintendent reserves the right to adjust hours of operation as deemed necessary. The minimum operating schedule and types of food sought for each location is described in Table A below. Lessees are required to provide services from the Friday before Memorial Day through Labor Day of each year during which their Lease is in effect. Lessees are required to provide services on Saturdays, Sundays, and Holidays at all locations.

**TABLE A - Summer 2023 Season**

*\* Bidders are encouraged to inspect site locations prior to submitting bids to ensure the size of the location is adequate for their needs.*

Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid	Lease Commencement Date  Type of Service
<b>Beach Area B1</b>	<b>Weekends</b> (Memorial Day weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	Electric – individual meter (at lessee’s cost)	10’ x 15’	Hot Food or Cold Food or Dessert	<b>FIXED RENT:</b> \$5,500.00 per season	<u>2023 Season:</u> <b>(1) Food/Dessert Location</b>
<b>Beach Area G3</b>	<b>Daily</b> (Memorial Day Weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None	10’ x 20’	N/A	<b>FIXED RENT:</b> \$5,500.00 per season	<u>2023 Season:</u> <b>(1) Beach Equipment Rental Location</b>
<b>Beach Area E1**</b>	<b>Daily</b> (Memorial Day Weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	Electric – separate flat rate charge of \$700*	10’ x 15’	Hot Food or Cold Food or Dessert	<b>FIXED RENT:</b> \$5,000.00 per season	<u>2023 Season:</u> <b>(1) Food/Dessert Location</b>
<b>Beach Area E2**</b>	<b>Daily</b> (Memorial Day Weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	Electric – separate flat rate charge of \$700*	10’ x 15’	Hot Food or Cold Food or Dessert	<b>FIXED RENT:</b> \$5,000.00 per season	<u>2023 Season:</u> <b>(1) Food/Dessert Location</b>
<b>Storage Area- Beach Areas E and I</b>	May 10 of each year during which the corresponding Lease is in effect and must be removed by November 1	Park hours	None	10 x 20	Storage	<b>RENT:</b> \$500.00 per season	<u>2023 Season:</u> <b>Area E – 1 location Area I – 2 locations</b>

*\*For soft-serve or pre-packaged ice cream, the flat rate for electricity will be \$1,050.00/season.*

*\*\*Mobile Food and Beverage Vendors authorized to operate at Beach Area E may be relocated temporarily at NPS's sole discretion in the event Area E is closed due to lifeguard shortages, which have been typical over the past two seasons.*

*If there is a 50% or more chance of rain or storm determined by National Weather Service, the Sandy Hook unit staff will notify lessees that their presence is optional on that day.*

#### **B4. Term of Lease**

The Proposed Lease term may not exceed a maximum term of three (3) years with a lease expiration date no later than September 30, 2025 for all locations. Leases are not renewable.

#### **B5. Rent & Other Financial Obligations**

Rent required by the Offered Lease (see its Section 5 for complete terms) is as follows: Total Rent in an amount not less than those identified in the table above. **In addition, rent paid (excluding utilities) must be equal to or greater than 10% of annual gross revenues.** At the conclusion of the operating season, the lessee shall pay to the NPS the difference between 10% of the annual gross revenues and the rent offered as per the schedule indicated below.

Applicants (also known as Bidders) should indicate on the bid sheet, rent offered. Rent is due as follows:

- Upon execution of the Lease, rent is due on the following schedule:
  - Initial Payment— $\frac{1}{2}$  of Annual rent is due by May 15<sup>th</sup> of each year
  - Final Payment— $\frac{1}{2}$  of Annual rent is due by July 15<sup>th</sup> of each year
  - Additional Payment (if applicable)— Remaining rent balance is due by October 15<sup>th</sup> of each year
- Rent for Storage Units is due upon execution of the Lease and by May 15<sup>th</sup> of each year thereafter.
- Utility payments when billed by the Park are due within 30 days of invoice.

\*There shall be no refund of rent payments due to lease termination as detailed in Section 5 of the Lease (See Exhibit D-Sample Lease). Initial rent payment is not refundable under any circumstances. If the lease is terminated from 7/15 onward, rent owed by the tenant shall be due and owing from 7/15 through the date of termination.

#### **B6. Other Terms and Conditions**

The Offered Lease includes provisions addressing compliance with applicable laws; repair and maintenance obligations; termination; default; and insurance, among others.

On a monthly basis, the Lessee will be required to report certain sales data including but not limited to gross revenue and number of transactions the portion of the year the Lessee is operating (usually May through September). Upon NPS request, the Lessee may be required to submit their tax return prior to the start of the next season.

The failure of the Lessee to pay rent or honor any of the terms & conditions of the agreement may result in lease termination.

Additionally, Authorization to conduct the activities addressed herein may be revoked, suspended, or otherwise limited at the discretion of the Superintendent upon 24 hours' notice, or without prior notice in the event the Superintendent or designee has determined the activity is unsafe or presents a risk to public health and safety.

Authorization to conduct the activities authorized herein may be immediately revoked, suspended, or terminated by the LESSOR without penalty for the LESSEE's failure to comply with health and safety considerations identified by the LESSOR, including but not limited to COVID 19 or other emergent safety conditions. The LESSEE may be required to implement and enforce a Safety/Operations Plans required by NPS until such time as the LESSEE is notified by NPS in writing that such measures may be relaxed or discontinued.

#### **B7. Competitive Process**

This lease opportunity is open to all interested persons on a competitive basis. The bidder submitting a responsive bid offering the highest Rent will be selected for award of the lease subject to a determination of financial capability. A responsive bid is a bid that meets the material terms and conditions of this request for bids. If two or more bids are equal, a lottery drawing between the equal bids shall be used to make the lease award.

#### **B8. Bid Submission Date**

Bids submitted in response to this RFB must be received by that date and time noted on the first page of this solicitation. Bids must be submitted in the form and to the e-mail address stated on the following pages.

## **B9. Authority**

This RFB is issued under the authority of federal law and regulation. The applicable law is found at 54 U.S.C. 102102 and leasing regulations may be found in the Code of Federal Regulations at 36 CFR Part 18. This RFB and the Offered Lease are subject to and incorporate all terms and conditions of Part 18 and Part 5, as applicable. In the event of any conflict between the terms of this RFB and the CFR, the CFR controls.

For further information, please contact:

Business Management Division

Gateway National Recreation Area

Via e-mail: [gateway\\_bmd@nps.gov](mailto:gateway_bmd@nps.gov)

## **C. Submission of Bid**

### **C1. Bid Submission Requirements**

In accordance with the Code of Federal Regulations – 36 CFR Part 18.7(b) which governs how lease proposals are solicited under an RFB, NPS specifies that bids must be in the form of a single PDF file and submitted electronically to [gateway\\_bmd@nps.gov](mailto:gateway_bmd@nps.gov). Bids must be submitted on or before **Monday May 1, 2023 by 1:00 p.m.** The subject line should include the following: **BID – Sandy Hook Mobile Operations RFB. Bid submissions will not have been deemed received until NPS issues a written response confirming same.** Telephonic bids, faxes, and other means of transmittal will not be considered.

### **C2. NPS Selection**

NPS will review all responses to this RFB as follows:

- To be considered responsive, applicants must submit a bid sheet (see Exhibit E) and all additional information identified as required below. The applicant must identify the following on the bid sheet:
  - Indicate which site you are bidding on. Each site within the Beach Area is identified on the map. The type of services to be authorized at each site is identified in Table A.
  - Indicate if this is your primary location or alternative location. Applicants may bid on two different sites in the same Beach Area or may bid on one site in multiple Beach Areas.
  - Indicate the amount of rent offered. The minimum rent for each Beach Area is identified in Table A.
  - If interested in storage space in support of the services you will provide if selected, indicate which site you are bidding on (up to three), and indicate the total amount of rent offered.
  - Sign the bid sheet. By signing, the applicant unconditionally agrees to the terms and conditions of the Offered Lease (see Exhibit D).
  - Applicants must provide the following in order to qualify:
    - **Financial Information Required** - Completed Exhibits B & C (OMB Control Number 1024-0233).
- The bid opening and anticipated selection will take place approximately 10 days after the bid submission deadline via the following Bid Opening Procedure.
  - Once a date & time is decided by NPS, a Microsoft Teams link (audio only) along with a telephone conference call option will be provided to all bidders.
  - NPS will identify the bidder, menu offering, beach location, and bid amount during this meeting.
  - There will be no opportunity for public questions or comments during this meeting.
- The bidder submitting a responsive bid offering the highest Rent will be selected for award of the Offered Lease subject to the NPS determining the successful bidder has the financial capability to enter into the Offered Lease as explained below.
- If two or more bids for the same variety/offering are equal, a drawing between the equal bids shall be used to make the lease award.
- To ensure there is a wide range of options available to visitors, NPS may reject the highest bid if the NPS in its sole discretion, deems the menu offerings of the highest bidder to be too similar to existing food/fare options currently being offered at that beach location.
- It is anticipated that new leases awarded in connection with this opportunity will commence on or before **Memorial Day Weekend, 2023.**

#### **D. Confidentiality of Bids**

If you believe that a bid package contains financial information that you do not want to be made public, please include the following sentence on the cover page of the bid package:

*“This bid package contains trade secrets and/or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act. The Bidder requests that this information not be disclosed to the public, except as may be required by law.”*

In addition, you must specifically identify what you consider to be trade secret information or confidential financial information on the page of the bid package on which it appears, and you must include the following sentence on each such page:

*“This page contains trade secrets or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the non-disclosure statement on the first page of this bid package.”*

Information so identified will not be made public by NPS except in accordance with the requirements of applicable law.

#### **E. Determination of Financial Capability**

Bidders shall include as part of their submission in response to this RFB either Exhibit B (Individual or Business, as applicable) demonstrating financial capability. The bidder that is determined by the NPS to be the highest responsive bidder (or the successful bidder) may also be subject to background investigations to be conducted by the United States and must comply with same.

#### **F. Award Process**

The successful bidder must execute and return the final Offered Lease within 30 calendar days after delivery by the NPS. If the successful bidder fails to execute the final lease, the NPS may choose to enter into the Offered Lease with the next responsive highest bidder or may choose to forego any award without liability or obligation to any person.

*The successful bidder will be required to comply with NPS law, regulation, and policy pertaining to public health. Prior to award of lease, the successful bidder must ensure to the satisfaction of the NPS that the mobile food & beverage vehicle to be used meets all public health & safety requirements. NPS will provide successful bidders with a pre-season orientation pertaining to same.*

The NPS may reject any and all bids in its discretion and re-solicit or cancel a lease solicitation at any time without liability or obligation to any person.

*Applicants who are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency, or whose legal authorizations to undertake operations on park lands or to use and occupy park lands and facilities have been revoked, suspended, or terminated, or whose obligations for payments have been deemed delinquent and have been deferred to the United States Treasury, are not eligible for consideration.*

**EXHIBITS:**

<b>Exhibit A:</b>	<b>LOCATION MAPS</b>
<b>Exhibit B:</b>	<b>CREDIT INFORMATION</b> Complete and include only <b><u>one</u></b> of the following as applicable:
	<b>Identification and Credit Information (Individual)</b> NPS Form 10-352 - OMB Control Number 1024-0233
	<b>Identification and Credit Information (Business: Individual or Sole Proprietor)</b> NPS FORM 10-353 - OMB Control Number 1024-0233
	<b>Identification and Credit Information (Business: Corp., LLC, Partnership, or Joint Venture)</b> NPS FORM 10-354 - OMB Control Number 1024-0233
<b>Exhibit C:</b>	<b>Financial Information for Revenue Producing Uses</b> NPS FORM 10-355 - OMB Control Number 1024-0233
<b>Exhibit D:</b>	<b>SAMPLE LEASE</b>
<b>Exhibit E:</b>	<b>BID SHEET</b>