

MODIFICATION NO. 3  
SOLICITATION #: CC-STLI004-24

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**To: All Recipients of the Prospectus, CC-STLI004-24, a Concession Business Opportunity to Provide Food and Beverage, Retail, and Other Services at Statue of Liberty National Monument**

In the Prospectus issued January 5, 2023, the National Park Service (“Service”) stated it would respond to questions about the Prospectus if submitted in writing and received by February 3, 2023. Questions were received timely, and the Service responds to questions as described below.

Entities submitted some statements that were not questions and some questions that were not about the Prospectus, neither of which require a response from the Service as part of this process.

In developing this Prospectus, the Service relied on the advice of consultants. The reports, studies, and documents provided to the Service by the consultants are protected by the deliberative process privilege with respect to the Freedom of Information Act. 5 U.S.C. § 552(b)(5). To the extent the Service divulges any information contained in those reports, studies, and documents for the purpose of answering the questions submitted in relation to the Prospectus, such disclosure shall not be considered a waiver of the deliberative process privilege by the Service with respect to those reports, studies, and documents as a whole, or to any other information contained therein.

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**Service Responses to Questions on Solicitation #: CC-STLI004-24**

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**Glossary of terms used throughout this document:**

**Concessioner:** refers to the new concessioner to be awarded the Draft Contract through this solicitation process.

**Draft Contract:** refers to the new concession contract to be awarded through this solicitation process (CC-STLI004-24).

**Offeror(s):** refers to the entities that submit a proposal in response to the solicitation for the Draft Contract.

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**BUSINESS OPPORTUNITY**[\(link to top\)](#)

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**QUESTION 1:** The Service received several similar questions related to the schedule of New York City Parks (NYC Parks) Battery Park construction project.

- 1) Does the Park Service anticipate a 4-boat schedule for 2024 and beyond? We understand the construction process is already behind schedule. Since the Park has an inside track on the city's schedule, can they share that information? It does not seem to be available publicly.
- 2) How long does the Park anticipate being at the other end of Battery Park for departures? Starting when?

**SERVICE RESPONSE:** The Service is working closely with NYC Parks on NYC's Lower Manhattan Coastal Resiliency (LMCR) project to ensure continuity of service from NYC. Offerors should check The Battery Coastal Resilience site (available [here](#)) periodically for the project's scope and timeline.

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**QUESTION 2: Business Opportunity, p. 15:** The Service received several similar questions on the anticipated capital improvement projects throughout the Liberty Island Concession Building.

- 1) Does the Service have any updates regarding the scope or schedule for the capital improvement projects planned for the Liberty Island Concession Building? In particular, we are wondering how these projects will affect and/or close the Liberty Island concession operation.
- 2) The Park Service stated that the café on Liberty Island may have to be closed for a period of time due to NPS construction. Can you please let us know what that construction is and a timetable for the construction?
- 3) The Service references "certain capital improvement projects throughout the Liberty Island Concession Building, some of which could require a temporary closure of the Liberty Island concession operation."
  - a. When does the Service anticipate being able to share details on these improvement projects and subsequent potential closures, such as project scopes, schedules, etc.?
  - b. Does the Service anticipate the patio still being accessible during this time?
  - c. Should the timing of these projects coincide with the Concessioner's required timing of patio covering installation, will the patio covering installation still be able to occur?

- d. Does the Service anticipate the building's kitchen and other back-of-house resources being available during this time?
  - e. Will the Concessioner be permitted (or required) to operate temporary and removable food and beverage facilities (in addition to the existing kiosks) while the Concession Building is closed to visitors?
- 4) Recognizing that the Service has not finalized the scope and / or schedule of completion for unnamed capital improvement projects at the Liberty Island Concession Building, please identify what this work seeks to address and improve.
  - 5) During the possible temporary closures related to the Service's capital improvements at Liberty Island Concession Building, please identify how the Service plans to minimize disruptions to the Concessioner's operations.

**SERVICE RESPONSE:** The Service has not yet finalized the scope or schedule of completion for certain capital improvement projects throughout the Liberty Island Concession Building; however, the Service plans to minimize disruptions to the concession operations by several means, which could include temporary alternate facilities and phasing construction during periods of low visitation.

The Service anticipates that the Liberty Island Concession Building capital improvement projects will address the granite steps, windows and doors, drain systems, ceiling systems, interior finishes, HVAC systems, access panels, masonry, exterior handrails and metal stairs, water and sewer lines, clay tile, manholes, and grease traps.

For the patio covering and seasonal enclosure installation CFIP project, the Service will work with the Concessioner to minimize disruptions and maximize access to the patios and concessions operations during construction.

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**QUESTION 3: Site Visit, Page 4.** The Service received several similar requests for the list of companies that participated in the January 20, 2023 site visit.

**SERVICE RESPONSE:**

- Aramark Corp.
- Delaware North
- Evelyn Hill Inc.
- ExplorUS
- Levy Restaurants
- Moonbeam Capital Investments LLC.
- Sodexo
- Standard Revocation LLC.
- TCP Management Group
- Xanterra Corp.

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**QUESTION 4: Overview Pg. 10:** Ferry services from Liberty State Park in NJ are "temporarily suspended" per the NPS website, with services resuming on March 11, 2023.

- a) Does the ferry still transport employees and supplies from Liberty State Park, or are all supplies and employees from NJ utilizing the land bridge at this time?
- b) Will this January-March closure be an annual occurrence going forward?
- c) Will the Concessioner for STLI004-24 have opportunity to provide input into this potential seasonal closure after contract award, or is the decision made exclusively between the Service and the ferry operations concessioner?

**SERVICE RESPONSE**

- a) The ferry does not transport employees and supplies from Liberty State Park (LSP) at this time. Supplies and employees are transported via the Ellis Island service bridge subject to terms and conditions of the Draft Contract and Service delivery and security protocols.
- b) The NPS does not anticipate the January-March LSP closure to be an annual occurrence going forward.
- c) If the Service determines a future seasonal closure of ferry services from LSP is necessary, the Service will work with the STLI004-24 concessioner, the ferry service concessioner, and other parties affected by such a closure to minimize the disruptions to operations.

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**QUESTION 5: Overview, Pg. 10:** On the site visit, it was noticed that only one boat appeared to be able to dock at a time.

- a) Is that an accurate observation?
- b) If so, what is the reason?
- c) Does this restriction limit visitation?
- d) How long is this restriction expected to be in place?

**SERVICE RESPONSE:** The Service is unable to determine which location this question is referring to. However, if the question is referring to Battery Park, please see the Service Response to Question 1 above. The Service also notes visitation forecasts are available in the prospectus.

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**QUESTION 6: Other Operating Considerations, p. 14-15:** Please identify the cost, if any, for the Concessioner's staff to utilize the passenger ferry concessioner's service to and from Liberty Island and Ellis Island for commuting purposes.

**SERVICE RESPONSE:** As described in the Draft Contract Exhibit B (Operating Plan) Section 6)(B)(2)(b), Concessioner employees may travel via staff or visitor boat runs provided by the ferry concessioner at no cost.

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**QUESTION 7: Other Operating Considerations, p. 14-15:** Please provide the square footage of the Existing Concessioner's offsite warehouse facilities used to support operations for Concession Contract TC-STLI004-21.

**SERVICE RESPONSE:** The Service does not have this information.

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**QUESTION 8: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate**

**Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** In the Projected Use and Rate Ranges table on page 16, the Service projects that Park visitation in 2026 will be between 3,780,000 and 4,180,000, however in Appendix A.5 – Visitation, the Service states that “according to Tourism Economics and the Office of the New York State Comptroller, visitation [to New York City] is expected to fully recover to 2019 levels by mid-2024.” The Park’s visitation in 2019 was just over 4.2M, and total YTD visitation for 2022 was listed at 4.1M on the Park Service’s website.

- a) Does the Service anticipate that post-pandemic visitation to the Park will normalize closer to pre-2012 levels of 3.7M, versus the 4.3M average level seen from 2014-2019?
- b) If so, please explain.

**SERVICE RESPONSE:** The Service’s visitation forecasts to the Park are as stated in the prospectus.

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**QUESTION 9: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate**

**Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** In the Projected Use and Rate Ranges table on page 16, the Service is projecting that 2026 revenues will increase by anywhere from \$7.56M-\$11.7M from 2019 actual figures – these projections are also \$3M-8M higher than the Park’s highest-ever revenues in 2017 (when visitation was nearly 4.5M).

- a) When comparing this table to the same one used in the 2019 prospectus, the Service has the projected (non-kiosk) Average Transaction Values increasing by \$3-\$10 across food and beverage as well as retail – can the Service provide an explanation for the significant growth in these numbers, while also assuming decreased visitation and static capture rates?
- b) Can the Service provide an explanation as to why 2026 projected retail revenues are projected to top the Park’s historical highest-ever retail revenues (\$16.9M in 2016) by more than \$3.5M?

**SERVICE RESPONSE:** The Service, relying on the advice of consultants, projected the revenue forecasts to assist Offerors in developing projections. As stated in the Business Opportunity the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge.

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**QUESTION 10: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate**

**Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** Liberty-2026 F&B of 400-440,000 is almost 45% higher than 2022’s, with only a 26% anticipated increase in attendance. How did you derive at that increase? Note the NPS has 2022 numbers.

**SERVICE RESPONSE:** The Service, relying on the advice of consultants, projected the revenue forecasts to assist Offerors in developing projections. As stated in the Business Opportunity the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge.

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**QUESTION 11: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** Liberty-Is the 2026 visitors listed the total number of passengers, or the number on Liberty Island?

**SERVICE RESPONSE:** The numerical range listed for 2026 Visitors under Liberty Island is the Service's forecast for visitors on Liberty Island.

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**QUESTION 12: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** Liberty-2026 F& B sales per visitor of \$1.15 is a 37% increase over 2022. Are much higher food prices expected to be approved to increase by that amount?

**SERVICE RESPONSE:** The Service, relying on the advice of consultants, projected the revenue forecasts to assist Offerors in developing projections. As stated in the Business Opportunity the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge. As specified in the Draft Contract, Exhibit B (Operating Plan) Section 4)B)(a), the Service will approve Food & Beverage rates using the core menu method.

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**QUESTION 13: Estimated Revenue and Expense Projections, Exhibit 2. Projected Use and Rate Ranges, Ellis Island and Liberty Island 2026, Pg. 16:** The Service received several similar questions on methods for determining projected 2026 Usage and Rate Ranges listed in Exhibit 2.

- 1) Liberty-2026 Average (Retail) Transactional Value is an increase of almost a 25% from 2022. Typically, as visitation increases, check averages decrease. How did you determine such a large increase? This is a 29% increase over the Business opportunity numbers in 2019.
- 2) Ellis- 2026 F&B transactions- how did you determine a 48% increase in transactions from 2019 attendance being down 35% from 2019 levels.
- 3) Ellis- 2026 Average Transaction (Food) is over a 26% increase from 2022 levels. How did you determine the increase? Are you expecting prices to increase 26% from 2022 pricing?
- 4) Coin operated binoculars- The revenue stated shows a 10% increase in use over 2019 while you are anticipating a 6% drop in attendance. How did you determine those numbers?
- 5) Catering- How did you determine the sales range when at the same time, events have become much more restrictive than in prior years (no outdoor tents at Ellis Island, no concerts, no tents at Liberty, no summer events)?

**SERVICE RESPONSE:** The Service, relying on the advice of consultants, projected the revenue to assist Offerors in developing projections. As stated in the Business Opportunity the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge.

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**QUESTION 14: Estimated Revenue and Expense Projections, p. 16:** Minimum Wage for federal contractors established by Executive Order 14026:

- a) Please identify the 2025 hourly minimum wage the Service used to calculate the implications of EO 14026.
- b) Beginning in 2024, the application of Executive Order 14026 will result in tipped employees earning the same hourly wage as non-tipped employees. Please explain whether and how this requirement impacted the Service's analysis of the minimum franchise fee.

**SERVICE RESPONSE:** The Service will not identify the hourly wage expense assumptions it made for its projections, but it considered all legal requirements associated with minimum wages, including the applicability of Executive Order 14026, in its minimum franchise fee calculation and assumed a significant increase in labor expenses. The Service worked with professional consultants with subject matter expertise to develop its wage expense assumptions. Offerors are responsible for exercising their own due diligence to project expense estimates in consideration of all applicable legal requirements.

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**QUESTION 15: Initial Investment, Page 17:** The Initial Personal Property [Investment] is listed at \$1,411,000. In 2021, Evelyn Hill submitted their personal property list with a cost value of \$3,707,457 and an estimated replacement cost of \$5,659,926. In addition, Evelyn Hill Inc., followed up with 2022 additions of \$90,692 cost and a future replacement value of \$119,560 and a 2023 asset sheet for purchases to arrive in 2023 of a cost of \$66,241. While the NPS has provided their estimate of the value of Evelyn Hill Inc.'s property value, the NPS should provide Evelyn Hill Inc.'s cost value.

**SERVICE RESPONSE:** The Service is unable to locate a question in this statement. However, the Service clarifies that it did not provide an estimate of the value of the existing concessioner's personal property but rather the value the Service, relying on the advice of consultants, estimated for the initial personal property investment to assist Offerors in developing financial projections. The Existing Contract and Draft Contract do not require the next concessioner to purchase the existing concessioner's personal property.

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**QUESTION 16: Initial Investment, Exhibit 3. Estimated Initial Investment, Page 17:** The Inventory and Working Capital is listed as \$1,760,000. Evelyn Hill Inc.'s inventory as of Dec 31st, 2022 was \$1,551,561. The NPS is aware from the AFR's that the December inventory was \$1,067,267 in 2021(covid), \$1,559,659 in 2020 and \$1,380,127 in 2019. By the end of April, inventory increases for the summer season. We have no idea what number the NPS was using for actual working capital, but based on these inventory numbers, it is probably too low and we would like you to consider revising. In addition, prospective bidders, may want a more accurate number to be part of their investment and not underestimating it.

**SERVICE RESPONSE:** The Service is unable to locate a question in this statement. However, the Service affirms that, relying on the advice of consultants, it estimated the initial inventory and working capital investment to assist Offerors in developing financial projections. This estimate reflects assumptions based on planning decisions, historical concession operating data, industry standards, economic conditions, and comparable and competitive operations. As stated in the Business Opportunity, the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge.

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**QUESTION 17: Initial Investment, Page 17:** Please provide a detailed inventory of the Existing Concessioner's current personal property associated with Concession Contract TC-STLI004-21, including but not limited to the age and condition of the retail (gift shop) and kitchen equipment, digital menu boards, transportation equipment, china, glass and silver, and POS equipment.

**SERVICE RESPONSE:** The Service does not have a detailed listing of the incumbent concessioner's current personal property. The Service, relying on the advice of consultants, estimated the initial personal property investment to assist Offerors in developing financial projections. This estimate reflects assumptions based on planning decisions, historical concession operating data, industry standards, economic conditions, and comparable and competitive operations. As stated in the Business Opportunity, the Service does not guarantee these projections will materialize and assumes no liability for their accuracy. Offerors must compile and present their own financial projections based on independent assumptions, due diligence, and industry knowledge.

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**QUESTION 18: Concession Facility Improvement Program Pg. 18:** The Service received several similar questions on this topic and the answers are below.

- 1) The Service has assumed a Not to Exceed dollar value of \$2,965,000 (in 2025 dollars) for the CFIP projects in this prospectus – this is only an 8.7% increase in the Estimated Real Property Cost from the Not to Exceed estimate provided in the 2019 prospectus.
  - a. Can the Service explain the reason for such a minimal increase in the Estimated Real Property Cost from the 2019 prospectus to the 2023 prospectus?
  - b. Would the Service consider raising the Not to Exceed dollar value to more accurately reflect post-pandemic construction costs, inflation, and other relevant factors?
  - c. Should the Service maintain the current Not to Exceed dollar value for the CFIP projects, will the Service work with the concessioner in adjusting project scopes as needed to ensure the \$2,965,000 dollar value is not exceeded.
- 2) In Exhibit 4, the Estimated Real Property Cost in 2025 value dollars is only 8.7% higher than the Business Opportunity that came out 4 years earlier in 2019. According to CBRE, the inflation was 14.1% for 2022 on top of the 11.5% inflation in 2021. Going forward, CBRE forecasts a 4.3% in 2023 and a 2.9% increase in 2024. It appears these figures are greatly underestimated. Does the NPS wish to revise the Estimated Real Property Cost since the it is stated that it cannot exceed \$2,965,000 in 2025 dollars?
- 3) Historically, we have experienced that cost estimates in Service prospectuses have been low versus actual costs. Please provide the basis for estimated costs for the required Concession Facility Improvement Program Capital Investment Costs.

**SERVICE RESPONSE:** The Service's CFIP cost estimates include design costs and account for current cost increases due to supply chain issues, higher costs of construction, and other related factors. While the Service will not raise the overall CFIP cost cap of \$2,965,000, as described in Section 9(d)(1) of the Draft Contract, if during design, the Concessioner estimates exceeding the overall CFIP cost cap, the Service will work with the Concessioner to review the Concessioner's cost estimates and adjust the specific project on a case-by-case basis to avoid the Concessioner exceeding the overall CFIP cost cap.

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**QUESTION 19: Business Opportunity, p. 18; Draft Contract, p. 13; Proposal Package, Principal Selection Factor 2:** The Service received several similar questions on this topic and the answers are below.

- 1) Regarding the covered Liberty Café Patio and covered Ellis Café Upper Terrace, does the Service expect these facilities to be seasonally climate controlled? Please identify any additional expected scopes of work for these projects such as new lighting and/or other electrical work.
- 2) Are there any restrictions or specifications for the covered outdoor space structures for the CFIP projects, related to materials, size, and/or height?

**SERVICE RESPONSE:** There is no specific requirement for climate control within the seasonal enclosures. The Service will work with the Concessioner on structural design elements as part of the design process outlined in the Draft Contract, Exhibit F1. The Concessioner will design coverings and seasonal enclosures that conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties. The Service will present the proposed design for the review and approval of the New York and New Jersey State Historic Preservation Officers.

**QUESTION 20: Ongoing Financial and Operational Requirements p. 19:** The Service received several similar questions requesting historical costs for electricity, water, and sewage charged to the current concessioner by the Service over the past 3-4 years and any expectations for future increases due to DO35B.

- 1) The Business Opportunity states, “The Service provides electricity, water, and sewage” and that the Service “will charge the Concessioner monthly for these services in accordance with current regulations and policies.” Please provide the costs for electricity, water, and sewage the Service charged to the Existing Concessioner for the past 4 years, the Service’s projections for the CC-STLI004-24 contract for the first 3 years, and expectations for future increases given DO35B.
- 2) Will the NPS please provide historical expense data for Service-provided utilities (electricity, water, and sewage)?
- 3) Can The Service please provide the utility rates (either monthly or annual) charged by the Service to the Concessioner for the past (3) years for electricity, water and sewage?

**SERVICE RESPONSE:** The Service charges the concessioner the rates the Service pays to mainland utility providers for electricity, water, and sewage. In 2022 the rate for electricity was \$0.13 per kWh, and the rate for water was \$3.47 per CCF. The table below sets forth the monthly expenses of the current concessioner in 2022 for its electricity and water usage

<b>CY 2022</b>	<b><i>Water</i></b>	<b><i>Electric</i></b>	<b><i>Total</i></b>
<b>January</b>	\$130.12	\$7,374.30	\$7,504.42
<b>February</b>	\$113.79	\$5,614.70	\$5,728.49
<b>March</b>	\$202.48	\$7,209.59	\$7,412.07
<b>April</b>	\$367.99	\$7,039.86	\$7,407.85
<b>May</b>	\$557.67	\$8,419.72	\$8,977.39
<b>June</b>	\$684.83	\$6,579.16	\$7,263.99
<b>July</b>	\$457.64	\$9,284.35	\$9,741.99
<b>August</b>	\$1,835.31	\$9,632.91	\$11,468.22
<b>September</b>	\$1,499.91	\$7,063.97	\$8,563.88

<b>October</b>	\$622.08	\$5,915.01	\$6,537.09
<b>November</b>	\$295.90	\$5,411.42	\$5,707.32
<b>December</b>	\$213.15	\$8,261.63	\$8,474.78

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**QUESTION 21: Ongoing Financial and Operational Requirements p. 19:** Are there any access costs, security costs, etc. that the concessionaire will be responsible for?

**SERVICE RESPONSE:** The Service does not know what the term "access costs" refers to. The United States Park Police (USPP) provide security at the Park.

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**QUESTION 22: Historical Revenue, p. 21:** Exhibit 5 shows Historical Gross Receipts by Service Offered for 2019 through 2021. Can the Service please provide Historical Receipts by commercial location?

**SERVICE RESPONSE:** The Service provides historical gross receipts by department rather than by commercial location.

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**QUESTION 23: Historical Revenue, p. 21:** Please provide Historical Financial Statements including pre-pandemic and current season

- a) Breakout of concessions/retail/binoculars/catering/event planning/gross subcontractor revenue (if applicable)
- b) Indicate whether or not service charge is included in catering/event planning revenue
- c) Food and beverage sales mix (food/non-alcoholic beverage/alcoholic beverage)
- d) Please explain what discount programs are available (if any) and if these are included in historical revenues

**SERVICE RESPONSE:**

- a) The Service provides historical gross receipts for 2019 – 2021 for food & beverage, retail, event planning & management, coin operated binoculars, and other, which includes services not required or authorized under the Draft Contract.
  - b) Event planning and management revenue includes all gross receipts received by the concessioner for event planning.
  - c) The Draft Contract prohibits the Concessioner from selling alcoholic beverages as part of its Fast Casual or Quick Service food and beverage operations, including the operations at the Liberty Café, the Ellis Café, or any of the kiosks. Alcohol for special events is included in event planning gross receipts. The Service does not have the breakdown between food, non-alcoholic beverage, and alcoholic beverage sales for the event planning & management department.
  - d) There are no discount programs in the current operation. If the Concessioner is interested in providing a discount program, it would need to propose the program to the NPS.
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**PROPOSAL INSTRUCTIONS**[\(link to top\)](#)

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**QUESTION 24: Process of Selecting the Best Proposal, pg. 3:** states, "The Service will select the responsive proposal with the highest cumulative point score as the best proposal. If two or more responsive proposals receive the same highest point score, then the Service will select as the best proposal (from among the responsive proposals with the same highest point score) the responsive proposal that the Service determines on the basis of a narrative explanation will, on an overall basis, best achieve the purposes of 36 C.F.R. Part 51." Will the Service please explain what is the "narrative explanation" that is mentioned in this part?

**SERVICE RESPONSE:** The narrative explanation is referring to the panel evaluation document.

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**QUESTION 25: Availability of a Debriefing:** Will the NPS commit to providing a written debriefing for all Offerors who request one in a timely fashion?

**SERVICE RESPONSE:** Please refer to the Proposal Instructions # 8) Availability of a Debriefing.

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**PROPOSAL PACKAGE**[\(link to top\)](#)

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**QUESTION 26: PSF1(b):** We have reviewed the areas assigned to the concessioner under the Prospectus and we cannot find a single instance where repairs, recurring maintenance, preventative maintenance, deferred maintenance or component renewal would require the involvement of SHPO under any circumstances. If NPS knows of one of the above maintenance issues that are planned in the assigned area that would require SHPO approval, that should be included in the prospectus. If no such areas exists, the Prospectus is asking for experience that will not apply to the Draft Contract. Three of the 4 questions asked is a direct SHPO to maintenance question. It is our opinion, that the question should delete any maintenance issues and refer to the required CFIP construction projects which are subject to SHPO and surely makes sense. Does the NPS agree with our opinion?

**SERVICE RESPONSE:** While the Service does not necessarily agree with the opinion stated in the question, the Service has amended the Proposal Package to remove PSF1(b). See below - Service Amendments to Prospectus Documents for Solicitation #: CC-STLI004-24.

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**QUESTION 27: PSF2 #3:** The wording is a little ambiguous to us. Is # 3 two pages total or 2 pages for Liberty and 2 pages for Ellis Cafes?

**SERVICE RESPONSE:** Two (2) pages total.

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**QUESTION 28: PSF2 #5:** Part 5 of PSF2 states "Using not more than two (2) pages and the tables below..." Are the tables meant to be in addition to the two pages or are the tables meant to be part of the two-page limit?

**SERVICE RESPONSE:** The two-page limit is for the answer to the question. The tables show the format for the information to be presented as part of the two-page limit.

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**QUESTION 29: PSF3(d):** For Subfactor 3(d) of Principal Selection Factor 3, how should an Offeror present multiple infractions that exceed the five-page total limit for this section?

**SERVICE RESPONSE:** The Service has amended Principal Selection Subfactor 3(d) to adjust the page limits to five (5) pages for parts 1 and 2 and two (2) pages for parts 3 and 4. See below - Service Amendments to Prospectus Documents for Solicitation #: CC-STLI004-24.

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**QUESTION 30: PSF4:** Without knowing how PSf4 is being evaluated for points we are concerned about providing the required 2 recent years of audited statements. If they are being used to determine financial ability, then 2020 as is, is detrimental, as the company suffered major losses due to Covid and the Park's action on closing the Parks versus other National Parks for example, which were extremely profitable. If that is the case, we would like the option to use another prior year for grading. It would be extremely anti-competitive and detrimental if our multi-million-dollar losses for being closed were compared to a park operation out west which was highly profitable. If it is just a checkmark that it is included, then we feel comfortable providing that.

**SERVICE RESPONSE:** The Service is not amending PSF4. The Service recommends Offerors provide a narrative explanation (in addition to the audited financial statements and notes) to explain how operations changed or address any negative information in the audited financial statements. Additionally, Offerors may provide current, non-audited financial statements or supporting evidence (in addition to the 2 recent years of audited statements) if the current financial statements demonstrate a different financial position.

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## EXHIBIT B- OPERATING PLAN

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**QUESTION 31: Operating Standards and Requirements p. B-9:** The Operating Plan states, "The Concessioner must encourage conservation of energy, water, and other resources through policies, programs, and goals." Also, the existing Concessioner states, "Used cooking oil from Crown Café powers a generator that provides some electricity to the gift pavilion at the Statue of Liberty, New York." (<https://thestatueofliberty.com/we-are-green>). Please identify the entity which owns this generator system, whether the system is currently in place, and whether the new Concessioner is permitted and/or expected to continue this practice.

**SERVICE RESPONSE:** The Service does not have information on the generator system mentioned in this question. Service expectations for the Concessioner are outlined in the prospectus.

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**QUESTION 32: Attachment 1: Standard Operating Procedures for Special Events:** In Exhibit B, Attachment 1, section "FEES" it explains that a \$75.00 non-refundable processing fee is required to apply to host an event on Liberty or Ellis Island. Is that fee billed and collected by the Concessioner through the Event

Planning and Management Department as part of the event coordination, or is that fee collected directly by The Service from the interested party? If the fee is collected by the concessioner, is it part of the gross receipts which are subject to franchise fees? And if the fee is part of gross receipts, is that \$75.00 Fee included in the gross receipts projections for Event Planning and Management for 2026 found on page 16 of the business opportunity? Additionally, in Exhibit B, Attachment 1, section "FEES" there is mention of other potential fees for "cost recovery" that may be assessed – is there any possibility that those additional fees may be charged by the Concessioner to the applicable party and thus included in gross receipts or subject to franchise fees?

**SERVICE RESPONSE:** All fees mentioned on Exhibit B, Attachment 1, page B-23 under the title "Fees" are fees which the permittee pays to the Service.

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**QUESTION 33: Attachment 1: Standard Operating Procedures for Special Events:** In Exhibit B, Attachment 1, section "Procedures" it states that the permittee will contact the area's designated ferry concessioner to plan transportation to and from the islands. Is it the expectation of the Service that any costs/fees associated with ferry transportation for guests attending special events at Liberty Island or Ellis Island are handled directly with the ferry transportation concessioner and not through the concessioner assigned to draft contract CC-STLI004-24?

**SERVICE RESPONSE:** The food, beverage, and retail concessioner manages the arrangements with the ferry concessioner on behalf of the permittee.

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**QUESTION 34: Attachment 1: Standard Operating Procedures for Special Events:** Not mentioned in the operating plan is there is a Park requirement that no event will be approved with less than 6 weeks' notice. This has been strictly adhered to by the park due to their budgeting. Is this still correct? Since the pandemic, many businesses have been planning last minute. In 2022, 10 events were turned away due to the 6-week rule.

**SERVICE RESPONSE:** Concessioner requirements for events are listed in the prospectus. The Service will make determinations on potential Special Park Use as quickly as it is able and will communicate with the concessioner about how much lead time is needed to reach a determination. The current turn-around time is typically six weeks.

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**QUESTION 35: Attachment 1: Standard Operating Procedures for Special Events:** Not mentioned in the operating plan is that we have not been able to accept a deposit from a client or enter into a contract with a client until it is checked off on the concession specialists schedule "NPS feels comfortable with EHI going to contract" which is usually only a couple of months before an event. Is this still in force for the term of the draft contract? Typically, a large corporate event or a wedding is a year in advance, and we are unable to accept a deposit or go to contract for the event.

**SERVICE RESPONSE:** The Service has not prevented the existing concessioner from accepting deposits. The Service will make determinations on potential Special Park Use as quickly as it is able, and will communicate with the concessioner about how much lead time is needed to reach a determination.

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**QUESTION 36: Attachment 1: Standard Operating Procedures for Special Events:** Is there any timetable from the time an application is turned in to the Park to the time it is approved ("NPS comfortable going to contract")? Evelyn Hill has experienced from a week to 5 months or more.

**SERVICE RESPONSE:** The Service will make determinations on potential Special Park Use as quickly as it is able, and will communicate with the concessioner about how much lead time is needed to reach a determination.

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**QUESTION 37: Attachment 1: Standard Operating Procedures for Special Events:** Are weddings permitted at Ellis Island?

**SERVICE RESPONSE:** The Service will make determinations on Special Park Use based on the criteria listed in the Draft Contract and in accordance with applicable Service regulations at 36 C.F.R. § 2.50. Exhibit B, Attachment 1 of the Draft Contract states: "A request for a special event will be authorized, provided the following criteria are met: There is a meaningful association between the Area and the event; The observance contributes to visitor understanding of the significance of the Area; and the Superintendent has issued a permit."

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**QUESTION 38: Attachment 1: Standard Operating Procedures for Special Events:** Can cooking occur in the catering kitchen? Or is just for heating and prep?

**SERVICE RESPONSE:** The Concessioner can determine how to use the space assigned in the Draft Contract within the parameters provided in the Draft Contract. Current practice does not typically include cooking food on Liberty or Ellis Island for large evening events. Food is typically cooked offsite and heated on site. The Concessioner must ensure that preparation for special events does not interfere with providing required visitor services during normal operating hours.

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**QUESTION 39: Attachment 1: Standard Operating Procedures for Special Events:** For Liberty Island, in the past, no service tents have been permitted next to the museum for food cooking or preparation. Is that still in effect for the draft contract? Where can food be cooked for Liberty Island events?

**SERVICE RESPONSE:** All preparation and staging for events must be placed and removed expeditiously and may not interfere with visitor access to Area resources. Tents for outdoor events may be located only on the Ellis Island Café Terrace and Liberty Island Café Patio. These areas are assigned to the Concessioner in the Draft Contract, Exhibit D ("Assigned Land and Real Property Improvements"). The Concessioner can determine how to use the space assigned in the Draft Contract within the parameters provided in the Draft Contract.

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**QUESTION 40: Attachment 1: Standard Operating Procedures for Special Events:** For Liberty Island, can tents be set up around the Flagpole area or between the flagpole area and the entrance to the Statue?

**SERVICE RESPONSE:** Tents for outdoor events may be located only on the Ellis Island Café Terrace and Liberty Island Café Patio.

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**QUESTION 41: Attachment 1: Standard Operating Procedures for Special Events:** For Liberty Island promenade are tables, bars, food stations permitted in the front of the Statue?

**SERVICE RESPONSE:** The Service will make determinations on requested Special Park Use based on the criteria listed in the Draft Contract.

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**QUESTION 42: Attachment 1: Standard Operating Procedures for Special Events:** At Ellis Island, can food be transported from the café to the catering kitchens during the day before the evening event?

**SERVICE RESPONSE:** The Concessioner is allowed to transport food on Ellis Island subject to the Draft Contract's parameters.

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**QUESTION 43: Attachment 1: Standard Operating Procedures for Special Events:** Does the bar during the cocktail hour must close when visitors go upstairs for dinner?

**SERVICE RESPONSE:** Alcohol and entertainment at evening events must end no later than 20 minutes prior to guest final departure from the island. As stated in the Draft Contract, Exhibit B ("Operating Plan"), Section 6)E), the Concessioner must supervise third party vendors, catering, and event staff within the Area at all times.

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**QUESTION 44: Attachment 1: Standard Operating Procedures for Special Events:** Wall of honor, patio and flagpole area- Under the new guidelines, no tents can be put up in. the wall of honor area. Will that still be correct? Are tables and chairs permitted on the grass area of the Wall of Honor?

**SERVICE RESPONSE:** Tents for outdoor events may be located only on the Ellis Island Café Terrace and Liberty Island Café Patio. All preparation and staging for events must be placed, erected, and removed expeditiously and may not interfere with visitor access to Area resources. The Service will make determinations on requested Special Park Use based on the criteria listed in the Draft Contract.

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**QUESTION 45: Attachment 1: Standard Operating Procedures for Special Events:** New Ferry Building- Currently this space is not permitted to be offered for events as it is used by the NPS & USPP. Will this change under the draft contract?

**SERVICE RESPONSE:** The Service will make determinations on potential Special Park Use based on the criteria listed in the Draft Contract.

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**EXHIBIT D- CONCESSION FACILITIES**[\(link to top\)](#)

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**QUESTION 46: Exhibit D – Assigned Land, p. D-1:** The dates for the Ellis Island Dining Terrace and Outdoor Seating Area were noted as built in 1990 and also noted as historic. Please confirm the Ellis Island Dining Terrace and Outdoor Seating area were constructed in 1990, and please confirm the accuracy of the historic designation.

**SERVICE RESPONSE:** The Ellis Island dining terrace and outdoor seating area were constructed in 1990. The Service has amended the Draft Contract, Exhibit D to reflect that these areas are not historic. See below - Service Amendments to Prospectus Documents for Solicitation #: CC-STLI004-24.

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**QUESTION 47:** Will leasehold surrender interest be applicable/possible for obtainment by the new concessioner for both Concession Facility Improvement Program projects even though there is no identified insurance replacement value for the two areas where the projects are to be completed (Exhibit D, page D-1), thus there is no way to determine if these projects constitute major rehabilitation or not?

**SERVICE RESPONSE:** These projects may qualify for leasehold surrender interest (LSI). This is not a guarantee that the Concessioner will acquire LSI. LSI determination will be made after substantial completion, submittal of all required documentation, and Service review. See Exhibits A and F1 of the Draft Contract.

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**QUESTION 48:** . In Exhibit D, Page D-3 it shows there are 5 locations on Liberty Island where coin operated binoculars are located – can you confirm there is only (1) coin operated binocular machine at each location, thus totaling (5) coin operated binocular machines total on Liberty Island?

**SERVICE RESPONSE:** There are currently eleven (11) coin-operated binoculars in total at the locations on Liberty Island.

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**QUESTION 49:** In Exhibit D, Page D-6 it shows there are 6 locations on Ellis Island where coin operated binoculars are located – can you confirm there is only (1) coin operated binocular machine at each location, thus totaling (6) coin operated binocular machines total on Ellis Island?

**SERVICE RESPONSE** There are currently nine (9) coin-operated binoculars in total at the locations on Ellis Island.

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**EXHIBIT E – ASSIGNED GOVERNMENT PERSONAL PROPERTY**[\(link to top\)](#)

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**QUESTION 50:** The Government Assigned Property list is incorrect. We have attached the correct one that is in effect today to be distributed to other potential bidders. The one in the prospectus also has some our personal property on that list.



**SERVICE RESPONSE.** Prior to receiving this question, the Service published the corrected Draft Contract Exhibit E (“Assigned Government Personal Property”) on the NPS website at <https://www.nps.gov/subjects/concessions/prospectuses.htm>. Notification of this update was provided on via Modification #2 to the prospectus on 1/10/2023 at Sam.gov.

The Service published an updated Draft Contract Exhibit E (“Government Assigned Personal Property”) on January 10, 2023 in Modification #2 to the prospectus at [Sam.gov](https://www.sam.gov).

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**EXHIBIT H – DRAFT MAINTENANCE PLAN**[\(link to top\)](#)

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**QUESTION 51: Exhibit H – Maintenance Plan, p. H-12:** The Maintenance Plan states, “The Concessioner must not process recycling (e.g., compacting, grinding, shredding, bailing, etc.) or conduct composting activities within the Area. The Concessioner must collect and transport recyclables to an authorized recycling center on a frequency (approved by the Service) as necessary to prevent the accumulation of waste.”

- a) Please confirm whether the Concessioner will be allowed to collect compostable materials within the Area and transport them outside of the Area for composting.
- b) Please clarify whether wastes may be sorted on-site if they are not further “processed.”
- c) Please confirm whether the cardboard balers currently present in the operations will be removed at the end of the current contract, and if so, will the Service replace them in kind?

**SERVICE RESPONSE:** The Service requirements for composting and recycling are detailed in the Draft Contract including the Maintenance Plan (Exhibit H) and Operating Plan (Exhibit B). The cardboard balers currently present are the personal property of the existing concessioner.

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**EXHIBIT I – INSURANCE REQUIREMENTS**[\(link to top\)](#)

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**QUESTION 52:** Would the National Park Service consider alternative insurance policy terms or are the insurance policy terms as written in the RFP required with no changes? As an example, would you consider higher per claim self-insured retentions/deductibles? Also, are the following coverages required of the prospective food service provider: Watercraft Liability, Marina Operator’s Legal Liability, Environmental Impairment Liability, Aircraft Liability, Garage Liability, Innkeeper’s Legal Liability, and Inland Marine?

**SERVICE RESPONSE** The Service is not amending Draft Contract Exhibit I (“Insurance Requirements”). As stated in Exhibit I, the amounts of insurance, limits of liability, and coverage terms included are the minimum types, amounts, and scope of insurance that the Service considers necessary to allow the operation of the concession at the Area. Sec. 2(m) of Exhibit I addresses requirements for the Concessioner’s self-insured retentions or deductibles. The coverages cited in the question are noted “(if applicable).” Exhibit I details applicability.

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**APPENDIX A.5 – SUPPORTING INFORMATION FOR BUSINESS OPPORTUNITY – VISITATION**[\(link to top\)](#)

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**QUESTION 53:** Appendix A.5 – Park Visitation, p. A.5-2: Please provide the data in Exhibit 2, Monthly Visitation, 2022 for Liberty Island versus Ellis Island, respectively

**SERVICE RESPONSE:**

	Ellis Island Totals	Liberty Island Totals
January 2022	31,807	75,416
February 2022	38,266	82,611
March 2022	88,226	165,378
April 2022	145,180	259,705
May 2022	136,893	250,357
June 2022	188,465	331,775
July 2022	206,313	415,488
August 2022	192,198	364,321
September 2022	134,846	252,468
October 2022	148,176	261,638
November 2022	109,827	200,779
December 2022	118,446	234,403

**QUESTION 54:** Appendix A.5 – Park Visitation, p. A.5-2: Please provide the daily visitation counts for Liberty Island and Ellis Island, respectively, for June through September 2022.

**SERVICE RESPONSE:** The Service will not be providing daily visitation counts for Liberty and Ellis Island for June through September 2022.

**QUESTION 55:** In Appendix A.5, page A.5-2, are you able to provide the December 2022 visitation numbers as this information was not provided on the provided chart.

**SERVICE RESPONSE:** The Park received 257,217 visitors in December 2022.

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## GENERAL QUESTIONS

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**QUESTION 56:** Q: In general, how is the cellular coverage overall throughout the property, including within the buildings?

**SERVICE RESPONSE:** Cell coverage can be spotty at times within the Area.

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**QUESTION 57:** What is the Wi-fi standard and when was the current system installed?

**SERVICE RESPONSE:** The Service does not have a Wi-Fi standard. The Service does not have information on when the existing concessioner installed its Wi-Fi system.

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**QUESTION 58:** Who owns and operates the physical data ports, wiring, and network switches that the contractor POS/DMB/Operations will utilize?

**SERVICE RESPONSE:** The existing concessioner owns and operates its existing physical data ports, wiring and network switches. The Concessioner is responsible for its IT systems.

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**QUESTION 59:** Do the network switches support PoE (Power over Ethernet)?

**SERVICE RESPONSE:** The existing concessioner's switches support POE.

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**QUESTION 60:** What Point of Sale system is on-site and will it remain?

**SERVICE RESPONSE:** The existing concessioner has a Clover POS system. Concessioners are required to provide personal property for their operations.

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**QUESTION 61:** Please provide the current union/CBA agreement, if applicable.

**SERVICE RESPONSE:** There is not a union/CBA agreement for the operation.

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**QUESTION 62:** Can the current/historical contract terms between the existing concessionaire and the passenger ferry concessionaire for freight and staff transportation be provided?

**SERVICE RESPONSE:** As for freight transportation, the current agreement between the ferry concessioner and on-island food and beverage and retail concessioner to transport freight from Ellis Island to Liberty Island is a cost recovery agreement between the two concessioners. The Service estimates the cost recovery at around \$450 per trip, with five trips per week during the busy season and three trips per week during the winter months. However, the Service is unable to provide a copy of the current agreement or the precise terms of the agreement. The ferry concessioner under the next ferry concession contract will be required to enter into a cost recovery agreement with the on-island food and beverage and retail concessioner to transport freight from Ellis Island to Liberty Island. The Service included the estimated costs of freight transport in determining the minimum franchise fee. As for employee transportation, the Service considered the expenses related to the transportation of STLI004 employees in determining the franchise fee structure for the ferry concession contract, and, consequently, all park employees regardless of organization may travel via staff or visitor boat runs provided by the ferry concessioner at no cost.

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**Service Amendments to Prospectus Documents for Solicitation #: CC-STLI004-24**

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Below is a summary of the four amendments to prospectus documents.

**1) Proposal Package, Page 8, Principal Selection Factor 1**

For the "Service Objectives", delete the last sentence of the paragraph which reads: "Additionally, the iconic and historic nature of the Statue of Liberty National Monument (Monument) will require Concessioner experience working with State Historic Preservation Offices (SHPOs)."

Delete the word "Subfactors" under the "Service Objectives."

Delete the title "Subfactor 1(a). Preservation, Repair, and Maintenance of Historic Structures (0-3 points)" and replace with "Preservation, Repair, and Maintenance of Historic Structures."

Delete Subfactor 1(b) in its entirety.

**2) Proposal Package, Page 16, Principal Selection Factor 3, Subfactor 3(d)**

Delete the second paragraph, including all numbered bullets, in its entirety and replace with the following:

"Using **not more than five (5) pages**, including text, pictures, and graphs, provide the following information:

- 1) Describe all Infractions that have occurred in in the past five years in your operations that are the same or similar to the services required or authorized by the Draft Contract.
- 2) Explain how you responded to the Infraction, including actions you took to prevent a recurrence of the Infraction.

Using **not more than two (2) pages**, including text, pictures, and graphs, provide the following information:

- 3) List the Related Entities (as defined below) you considered in providing the foregoing information
- 4) Describe your overall strategy to minimize Infractions and how you resolve, or plan to resolve, Infractions when they do occur."

The first and last paragraphs for Subfactor 3(d) remain the same.

**3) Draft Contract Exhibit D, Assigned Land & Real Property Page D-1**

Within the table under the header "Real Property Improvements Assigned" and the row representing Asset Number "at #60011 Main Building" with the Asset Description "Ellis Island Dining Terrace and Outdoor Seating Area," the column for "Historic (Yes or No)" is changed from "Yes" to "No."

**4) Proposal Instructions , Page 1, Section 3) Submission Protocol a)**

Delete the first sentence in its entirety and replace with the following: "Submit two (2) identical hard copies and one electronic copy, identical to the hard copy."