

**City of Albany**

**REQUEST FOR PROPOSALS  
FOR THE PROVISION OF  
FOOD CONCESSION SERVICES  
IN CITY HALL**

RFP Number 2018-34  
October 31, 2018

**SECTION 1: PURPOSE**

- 1.1 The City of Albany, New York is requesting proposals for food concession services in Albany City Hall (24 Eagle Street, Albany NY). Minority Business Enterprises and Women's Business Enterprises are encouraged to submit proposals.

**SECTION 2: RECEIPT OF PROPOSALS:**

- 2.1 Four (4) copies of the proposal must be received no later than **Wednesday, November 21, 2018 at 1:00 p.m.** at the following address:

Angelica Kang, Esq.  
Assistant Corporation Counsel  
City Hall, Room 106  
Albany, New York 12207

The four copies of the proposal must be submitted in a sealed envelope, the outside of which must be marked as follows:

“Proposal Enclosed - Food Concession Services-City Hall Café”

- 2.2 The proposal submitted is the document upon which the City of Albany will make its initial judgment regarding each proposer's qualifications and wherewithal to complete the required services.
- 2.3 Those submitting proposals do so entirely at their own expense. There is no express or implied obligation by the City to reimburse any business or individual for any costs incurred in preparing or submitting proposals, preparing or submitting additional information requested by the City, or participating in selection interviews, if any.
- 2.4 Submission of any proposal indicates an acceptance of the conditions contained in this Request for Proposals unless the submitted proposal clearly and specifically states otherwise.
- 2.5 The City of Albany reserves the right to accept or reject any and all proposals in whole or in part, to waive any and all informalities, and to disregard all non-conforming, non-responsive or conditional proposals.
- 2.6 The City of Albany reserves the right to award the food concession contract to one or more businesses and/or individuals.

- 2.7 Any award of the food concession contract shall be conditioned on the later execution of a formal written contract. The City of Albany reserves the right to revoke or rescind any award at any time prior to the full execution of a formal written contract.

**SECTION 3: QUALIFICATIONS OF PROPOSER:**

- 3.1 In the case of a proposal from an individual, provide a statement of qualifications including food service background and experience.
- 3.2 In the case of a proposal from a business, provide a brief history and description of the business submitting the proposal. Identify the business' staff member(s) who will be assigned to this engagement if the business' proposal is selected. Provide a statement of qualifications of each of the business' staff members who will be assigned to this engagement including food service background and experience. Provide a signed cover letter from a person within the business who is authorized to make representations on behalf of the business and to bind the business.
- 3.3 Each proposer must provide the names, addresses, and phone numbers of at least three (3) references.
- 3.4 Each proposer may provide any additional information which would serve to distinguish his or her proposal from other proposals.
- 3.5 The City of Albany may make such inquiries it deems necessary to determine the ability of each proposer to provide the food concession services contemplated by this Request for Proposals. Proposers shall promptly furnish all information and data for this purpose as may be subsequently requested by the City of Albany.

**SECTION 4: SCOPE OF SERVICES:**

- 4.1 Proposals must outline the food concession services that will be provided (specify style and type of operation, etc.). Proposals must include a sample menu with prices and the number of anticipated employees, if any. The price, quality, and quantity of food and beverages shall all be subject to the approval of the City. No alcoholic beverages will be permitted to be sold or consumed on the premises. While the City will consider different menu options, it is recommended and preferred that the menu options are limited to simple breakfast and lunch items. Grilled food items as well as items cooked in the oven or deep fryer will be considered, however, it is the City's preference to offer a simple menu as referenced above.
- 4.2 Proposals must state the intended hours of operation at City Hall, which, at a minimum, must be 8:00 a.m. to 2:00 p.m. Monday through Friday (closed on weekends and holidays).
- 4.3 The City may require formal interviews and oral presentations prior to awarding a contract as well as proof of good financial standing.
- 4.4 Proposals from individuals or firms who are in arrears to the City of Albany, under debt, contract, or otherwise, or who are in default, as surety or otherwise under any obligation to the City of Albany will not be considered.

- 4.5 Proposers may contact the individual named in Section 11.1 of this RFP to arrange for a walk-through of the premises, if desired.

**SECTION 5: AGREEMENT:**

- 5.1 The selected proposer will be required to execute a license agreement with the City of Albany. The term of the license agreement shall be for two (2) years. The City shall have the option to extend the agreement for three (3) additional one-year periods. The City will also have the right to terminate the license agreement, with or without cause, upon thirty (30) days written notice.

**SECTION 6: COST PROPOSAL:**

- 6.1 Provide the license fee which you propose to pay as consideration for the privilege of operating and maintaining the food concession at City Hall stated as a flat monthly fee.

**SECTION 7: SECURITY DEPOSIT:**

- 7.1 The selected Proposer must provide the City with two month's license fees to be held by the CITY as a security deposit.

**SECTION 8: PROPOSAL EVALUATION:**

- 8.1 Proposals shall remain valid until the execution of a contract by the City of Albany.
- 8.2 Proposals shall be examined and evaluated by the City of Albany Corporation Counsel's Office to determine whether each proposal meets the requirements of this Request for Proposals. A contract will be awarded to a proposer based on the following criteria:
- a. The proposer's demonstrated capabilities and experience in operating food concessions.
  - b. Past performance with regard to similar ventures.
  - c. Quality and value of products and services to be provided.
  - d. Financial strength, stability, and business administration.
  - e. Total proposed license fee.
  - f. Completeness of the proposal.
- 8.3 The selection of a proposal will not be based solely on a monetary evaluation. Considerable weight will be given to experience in the areas required and the track record of the proposer(s).

**SECTION 9: ALTERNATIVES:**

- 9.1 Proposals may include alternative matters or items not specified or requested in this RFP.

**SECTION 10: RELATIONSHIP AND INDEMNIFICATION:**

- 10.1 The selected proposer will function as an independent contractor and will not be considered an agent or employee of the City of Albany for any purposes, and the employees of the selected proposer will not in any manner be, or held out to be agents or employees of the City. Moreover, the selected proposer will be required to

defend, indemnify, and save harmless the City of Albany, its employees and agents, from and against all claims, damages, losses and expenses (including without limitations, reasonable attorney's fees) arising out of, or in consequence of, any negligent or intentional act or omission of the selected proposer, its employees or agents, to the extent of its or their responsibility for such claims, damages, losses, and expenses.

#### **SECTION 11: SPECIFICATION CLARIFICATION:**

- 11.1 All inquiries with respect to this Request for Proposals shall be directed to the following individual: Angelica Kang, Esq., Assistant Corporation Counsel, City Hall - Room 106, 24 Eagle Street, Albany, NY 12207.
- 11.2 All questions about the meaning or intent of the specifications shall be submitted in writing to the individual referenced above in Section 11.1. Replies will be issued by Addenda posted on the City's website at <http://www.albanyny.org/home.aspx>. Questions received less than four (4) business days prior to the date of submission of proposals will not be answered. Only questions answered by formal written Addenda will be binding. Oral or other interpretations or clarifications will be without legal effect.

#### **SECTION 12: MODIFICATION AND WITHDRAWAL OF PROPOSALS:**

- 12.1 Proposals may be modified or withdrawn by an appropriate document duly executed (in the manner that a proposal must be executed) and delivered to the place where proposals are to be submitted at any time prior to the opening of proposals.
- 12.2 If within twenty-four (24) hours after the proposals are opened, any proposer files a duly signed written notice with the City and promptly thereafter demonstrates to the reasonable satisfaction of the City that there was a material and substantial mistake in the preparation of its proposal, that proposer may withdraw its proposal. Thereafter, that proposer will be disqualified from further proposal on the work.

#### **SECTION 13: INSURANCE AND SECURITY REQUIREMENTS:**

- 13.1 The selected proposer will be required to procure and maintain at its own expense the following insurance coverage, which must be issued by an insurer which is licensed to do business in the State of New York and which has an A.M. Best rating of not less than "A":
- (a) **Workers' Compensation and Employer's Liability Insurance:** A policy or policies providing protection for employees in the event of job-related injuries as required by applicable statutory limits.
  - (b) **General Liability Insurance:** A policy or policies of comprehensive general liability insurance with limits of not less than \$1,000,000 and Excess Liability policy with limits of not less than \$1,000,000.
  - (c) **Property Insurance:** Evidence of appropriate property insurance.
- 13.2 Each policy of insurance required shall be in form and content satisfactory to the Corporation Counsel, and shall provide that:

- (a) The City of Albany is named as an additional insured on a primary and non-contributing basis.
- (b) The insurance policies shall not be changed or cancelled until the expiration of thirty (30) days after written notice to the City of Albany Corporation Counsel's Office. In addition, said policies shall be automatically renewed upon expiration and continued in force unless the City of Albany Corporation Counsel's Office is given thirty (30) days written notice to the contrary.

13.3 No contract will be signed and no services shall be commenced pursuant to this Request for Proposals until the selected proposer has delivered to the Corporation Counsel or his designee proof of issuance of all policies of insurance required by the Contract to be procured by the selected proposer. If at any time any of said policies shall be or become unsatisfactory to the City, the selected proposer shall promptly obtain a new policy and submit proof of insurance of the same to the City for approval. Upon failure of the selected proposer to furnish, deliver and maintain such insurance as above provided, the contract may, at the election of the City, be forthwith declared suspended, discontinued, or terminated. Failure of the selected proposer to procure and maintain any required insurance shall not relieve the selected proposer from any liability under the contract, nor shall the insurance requirements be constructed to conflict with the obligations of the selected proposer concerning indemnification.

**SECTION 14: PROCUREMENT FORMS AND REQUIREMENTS:**

14.1 Additional requirements for this RFP are described below. Relevant statements, where required to be submitted, must be executed and included in the submission in the following order: 1. Iran Divestment Act Statement and 2. Non-Discrimination and Diversity Requirements.

14.2 Iran Divestment Act: By submission of a bid in response to this Bid request, *“each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that each bidder is not on the list created pursuant to paragraph (b) of subdivision 3 of section 165-a of the State Finance Law.”* The list in question is maintained by the New York State Office of General Services. For further information and to view this list please go to: <http://www.ogs.ny.gov/about/regs/ida.asp>. If in any case the bidder cannot make the foregoing certification, the bidder shall so state and shall furnish with the bid a signed statement which sets forth in detail the reasons therefor. A political subdivision may award a bid to a bidder who cannot make the certification pursuant to paragraph a of N.Y. General Municipal Law § 103-g on a case-by-case basis.

14.3 Non-Discrimination and Diversity Requirements: Pursuant to Federal laws and regulations, the New York State Executive Law Article 15-A and the City of Albany General Code Chapter 48, Article III Omnibus Human

Rights Law, the City recognizes its obligation under the law to prevent discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency and to promote opportunities for maximum feasible participation of certified minority- and women-owned business enterprises and the employment of minority group members and women in the performance of City contracts.

In furtherance of these rules and principles, the City of Albany highly encourages the participation of certified minority- and women-owned business enterprises (“MWBE”) at the City’s goal levels and the employment of minority groups’ members and women in the performance of its contracts. The City of Albany hereby notifies all Consultants submitting a proposal that it will affirmatively ensure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit proposals in response to this invitation and will not be discriminated against on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in consideration for award.

Further, by submission of a bid in response to this Bid request, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of its knowledge and belief that:

***“The respondent/contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, sex, creed, color, religion, national origin, sexual orientation, gender, age, disability, marital or domestic partner, or English proficiency in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The respondent/contractor will not participate directly or indirectly in the discrimination prohibited by the federal, state and local laws and regulations, including employment practices. In all solicitations, either by competitive bidding, or negotiation made by the respondent/contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the respondent/contractor of the respondent/contractor’s obligations under this Statement and the federal, state and local laws and regulations relative to Non-discrimination on the grounds of race, sex, creed, color, religion, national origin, sexual***

*orientation, gender, age, disability, marital or domestic partner, or English proficiency.”*

**SECTION 15: SUBMISSION REQUIREMENTS:**

15.1 All Proposers shall be required to submit a complete proposal. As outlined in this RFP, all proposals shall include the following:

- A) Statement of Qualifications and Bid Form as outlined in Section 3
- B) Cost Proposal as outlined in Section 6.
- C) Non-Collusive Proposal Certificate and Acknowledgment Form as outlined in Section 13
- D) An acknowledgment of understanding that by submitting a bid the proposer certifies under penalty of perjury the above Iran Divestment Act statement, as outlined in Section 14.2 and the Non-Discrimination and Diversity statement, as outlined in Section 14.3.

15.2 Failure to include all of the above items may result in the proposal being considered nonresponsive.

NON-COLLUSIVE PROPOSAL CERTIFICATE  
PURSUANT TO NEW YORK STATE GENERAL MUNICIPAL LAW SECTION 103-D

By submission of this proposal, each proposer and each person signing on behalf of any proposer certifies, and in the case of a joint proposal each party thereto, certifies as to its own organization, under penalty of perjury, that to the best of knowledge and belief:

- (1) The prices in the proposal have been arrived at independently, without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other proposer or with any competitor;
- (2) Unless otherwise required by law, the prices which have been quoted in this proposal have not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer prior to the opening, directly or indirectly, to any other proposer or to any competitor; and
- (3) No attempt has been made or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a bid for the purpose of restricting competition.

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(Signature)

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(Print Name and Title)

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(Name of Partnership or Corporation)

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(Date)

ACKNOWLEDGMENT BY PROPOSER

If Individual or Individuals:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_ to me known and known to me to be the same person(s) described in and who executed the within instrument, and he/she/they severally acknowledged to me that he/she/they severally executed the same.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

If Corporation:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally appeared \_\_\_\_\_ to me known, who, being by me sworn, did say that he/she resides at (give address) \_\_\_\_\_; that he/she is the (give title) \_\_\_\_\_ of the (name of corporation) \_\_\_\_\_, the corporation described in and which executed the above instrument; that he/she knows the seal of the corporation, and that the seal affixed to the instrument is such corporate seal; that it was so affixed by order of the board of directors of the corporation, and that he/she signed his/her name thereto by like order.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_

If Partnership:

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS.:

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before me personally came \_\_\_\_\_, to me known to be the individual who executed the foregoing, and who, being duly sworn, did depose and say that he/she is a partner of the firm of \_\_\_\_\_ and that he/she has the authority to sign the same, and acknowledged that he/she executed the same as the act and deed of said partnership.

\_\_\_\_\_  
Notary Public, State of \_\_\_\_\_  
Qualified in \_\_\_\_\_  
Commission Expires \_\_\_\_\_