

**TOWNSHIP OF WEST CALDWELL**



**INFORMAL SOLICITATION FOR CONCESSION OPERATOR FOR THE CEDAR STREET POOL AND WESTVILLE POOL SNACK BARS**

The Township of West Caldwell is soliciting quotes for a Concession Operator for the Cedar Street Pool and Westville Avenue Pool Snack Bars.

**Submission Deadline:** 10:00am Thursday March 14, 2019

**Address all Quotes to:**

Gabriel DiMasi, Recreation Director  
Township of West Caldwell  
30 Clinton Road  
West Caldwell, New Jersey 07006

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

Proposers are responsible for inspecting the premises prior to submitting a quote so as to have full knowledge of the suitability of the premises and equipment for their operation. No allowance will subsequently be made to the proposer for errors on his part due to his negligence in performing the conditions of this paragraph.

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

During the period provided for the preparation of responses to this request, the Township may issue addenda or answers to written inquiries. Addenda will be noticed by the Township and will constitute part of this request. All responses shall be prepared with full consideration of any addenda issued. Proposer must complete and submit the Acknowledgement of Receipt of Addenda Form attached at Exhibit A.

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

## **PURPOSE OF REQUEST**

The Township of West Caldwell (the “Township”), a Municipal Corporation in the County of Essex and the State of New Jersey, with its principal offices at 30 Clinton Road, West Caldwell, is requesting informal quotes from qualified individuals or companies to serve as Concession Operator for the Cedar Street Pool and Westville Avenue Pool Snack Bars, as more fully described herein, through a fair and open process pursuant to N.J.S.A. 19:44-20.5 et seq.

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

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

## **SCOPE OF SERVICES**

The Concession Operator shall operate the snack bars located at the Cedar Street Pool and Westville Avenue Pool in the Township of West Caldwell. The Concession Operator shall further provide all necessary supervision and staffing to prepare the snack bars for operation, operate the pool snack bars as specified during the pool season, and clean up and close the snack bars at the completion of the pool season.

**Operating Requirements** - The snack bar shall be operated at all times in accordance with the following requirements:

1. The snack bar shall be open at all times when the pools are open during the pool season (from Memorial Day weekend through Labor Day weekend) including special events such as swim meets.
2. The Concession Operator shall provide an adult supervisor, at least 18 years of age at all times at each pool snack bar.
3. The Concession Operator shall be responsible for properly training all staff members and shall require staff to attend food handling courses if required by the Health Officer.
4. The Concession Operator shall be responsible for keeping the patio areas, including picnic tables, benches and trash containers, clean at all times.
5. The Concession Operator shall accept all existing equipment in an “as-is” condition and shall replace and/or repair said equipment at their discretion and expense.
6. The Concession Operator shall provide any additional equipment necessary, e.g., soda dispensing equipment and freezer, at his/her own expense.
7. The Concession Operator shall obtain all required Board of Health permits and licenses and maintain the Snack Bar in accordance with Board of Health requirements.

8. No tobacco products or chewing gum may be sold at the snack bar.
9. All beverages shall be sold in paper cups or plastic bottles. Glass bottles shall not be permitted.
10. No vending machines shall be permitted without the express written approval of the Township.
11. The Concession Operator shall provide and maintain for the duration of the contract adequate Worker's Compensation Insurance and Liability Insurance with a minimum coverage limit of \$1,000,000 per occurrence. A certificate of Insurance naming the Township as additionally insured shall be provided for the duration of the contract period.
12. The Concession Operator shall provide adequate staffing at all times so that the time required to be served does not become excessive.
13. The Concession Operator shall provide a selection of menu items and pricing on basic items and coordinate prices on a par with other similar municipal pool snack bars.
14. The Concession Operator shall adequately clean, to the satisfaction of the Health Officer and the Director of Recreation, the snack bar and remove all inventory within two (2) weeks of the pool's closing.
15. In addition to the concession fee to be paid to the Township, the successful proposer shall be required to put on deposit with the Township the amount of \$500.00 per pool, which shall be retained by the Township in the event the Concession Operator does not comply with the terms of the contract and clean the snack bars and/or remove the inventory in a timely fashion. This deposit shall, at the proposer's election, be made in the form of certified check, cashier's check or cash.
16. The Concession Operator shall submit a list of names of all supervisors and employees for a police background check into any criminal history. The results of such background check may disqualify a proposer from consideration.  
The Township of West Caldwell shall pay for all utilities and repair or replace, as necessary, any equipment in the snack bar which has been supplied by the Township, unless the proposer's negligence is determined to be the cause of any failure.

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

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

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

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

**Concession Fee** - Proposers shall list a proposed concession fee for both the Cedar Street Pool and Westville Avenue Pool Snack Bars for calendar year 2019. **A cumulative, minimum quote or bid is established at an amount of \$5,000.**

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

- I. Upon execution of the Contract:
  - A. \$1,000.00 Deposit (\$500.00/pool)
  - B. 50% of Concession Fee
- II. July 1<sup>st</sup> – 25% of Concession Fee
- III. August 1<sup>st</sup> – 25% of Concession Fee

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

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

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

In the event the Concession Operator fails to open for business and operate for a total of more than ten (10) hours during normal hours of pool operation during the pool season, the Township may, in addition to or in lieu of the liquidated damages set forth above, declare the Concession Operator to be in default of the contract. In the event the Township declares the Concession Operator to be in default of the contract, the Township shall have the right to immediately terminate the contract. In the event the contract is terminated by the Township, the Concession Operator shall be liable to the Township for any damages or loss sustained as a result of the default.

## **CONTRACT FORM**

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

**MINIMUM QUALIFICATIONS**- Proposers must meet the following minimum qualifications:

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

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

### **A. Qualification Information.**

- Full Name;
- Business Name, Address and Telephone Number;
- Brief description of the business entity including organizational structure and total number of employees;
- Background information regarding all identified staff members that accurately describes his/her employment history and relevant experience;
- Brief summary of the company's qualifications;
- List of proposed menu items;
- List proposed concession fee for both the Cedar Street Pool and Westville Avenue Pool Snack Bars for calendar year 2018. Identify all previous experience in the food and beverage service industry and in providing concession operation services of a similar nature to those proposed herein within the past five (5) years, including any public agencies serviced by proposer. Please also include the name and contact information of the person responsible for overseeing the proposer's work under the contract (Exhibit F);
- Provide proof of at least three (3) years experience in the food and beverage industry;
- Provide proof of one (1) year experience providing concession operation services similar to those proposed herein in the operation of a similar facility for a term of contract of at least one (1) year.
- Provide at least five (5) references with the name, address and telephone number of the contact person (Exhibit G);
- Any additional information you would like the Township to consider in evaluating your quote.

**B. Insurance.** Proposers shall submit proof of, and maintain in force at all times during which services are to be performed, insurance coverage with limits as to liability that will be in place to protect the Township of West Caldwell. If selected, the successful proposer(s) shall furnish a certificate of insurance naming the Township of West Caldwell as an additional insured under such policies.

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

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

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

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

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

**BASIS OF AWARD**  
**EVALUATION FACTORS**

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

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

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

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

TOWNSHIP OF WEST CALDWELL  
ESSEX COUNTY, NEW JERSEY

---

**Concession Operator for the Cedar Street Pool and Westville Avenue Pool Snack Bars**

---

QUOTE

TO TOWNSHIP OF WEST CALDWELL

The undersigned having carefully examined the information contained in this request for informal quotes and visited the Cedar Street Pool and Westville Avenue Pool so as to have full knowledge of all conditions affecting the ability to provide as Concession Operator services as described herein, hereby proposes to furnish all labor and materials, equipment, operations and incidentals, and to perform said services in strict accordance with this request and to the full and entire satisfaction of the Township for the sum of

One year Contract 2019 Season. **Minimum Bid: \$5,000**

Bid Price 2019 Season: \$ \_\_\_\_\_

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

NAME OF THE PROPOSER: \_\_\_\_\_

NAME OF AUTHORIZED SIGNATORY: \_\_\_\_\_

AUTHORIZED SIGNATORY SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_

PHONE #: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**TOWNSHIP OF WEST CALDWELL**

**PREVIOUS CONTRACTS  
Exhibit A**

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

A. Owner: \_\_\_\_\_

Business Address of Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Work: \_\_\_\_\_

\_\_\_\_\_

Contract Price: \_\_\_\_\_

Extra Work Required: \_\_\_\_\_

Approximate Date of Contract: \_\_\_\_\_

Approximate Date of Completion: \_\_\_\_\_

Name and Contact Information of Reference: \_\_\_\_\_

\_\_\_\_\_

B. Owner: \_\_\_\_\_

Business Address of Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Work: \_\_\_\_\_

\_\_\_\_\_

Contract Price: \_\_\_\_\_

Extra Work Required: \_\_\_\_\_

Approximate Date of Contract: \_\_\_\_\_

Approximate Date of Completion: \_\_\_\_\_

Name and Contact Information of Reference: \_\_\_\_\_

\_\_\_\_\_

C. Owner: \_\_\_\_\_

Business Address of Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Work: \_\_\_\_\_

\_\_\_\_\_

Contract Price: \_\_\_\_\_

Extra Work Required: \_\_\_\_\_

Approximate Date of Contract: \_\_\_\_\_

Approximate Date of Completion: \_\_\_\_\_

Name and Contact Information of Reference: \_\_\_\_\_

\_\_\_\_\_

D. Owner: \_\_\_\_\_

Business Address of Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Work: \_\_\_\_\_

\_\_\_\_\_

Contract Price: \_\_\_\_\_

Extra Work Required: \_\_\_\_\_

Approximate Date of Contract: \_\_\_\_\_

Approximate Date of Completion: \_\_\_\_\_

Name and Contact Information of Reference: \_\_\_\_\_

\_\_\_\_\_

E. Owner: \_\_\_\_\_

Business Address of Owner: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Type of Work: \_\_\_\_\_

\_\_\_\_\_

Contract Price: \_\_\_\_\_

Extra Work Required: \_\_\_\_\_

Approximate Date of Contract: \_\_\_\_\_

Approximate Date of Completion: \_\_\_\_\_

Name and Contact Information of Reference: \_\_\_\_\_

\_\_\_\_\_

**GENERAL BUSINESS REFERENCES**  
**Exhibit B**

(List at least 5)

Name	Occupation	Business Address	Phone No.
<hr/>			

**TOWNSHIP OF WEST CALDWELL**

**SIGNATORY PAGE  
Exhibit C**

The undersigned, having examined this informal solicitation for Concession Operator for the Cedar Street Pool and Westville Avenue Pool Snack Bars and having full knowledge of the conditions under which the services described herein must be performed, hereby accepts the terms and conditions of this request.

NAME OF THE PROPOSER: \_\_\_\_\_

NAME OF AUTHORIZED SIGNATORY: \_\_\_\_\_

AUTHORIZED SIGNATORY SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

CONTACT ADDRESS: \_\_\_\_\_

Phone #: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

**TOWNSHIP OF WEST CALDWELL**

**DOCUMENT CHECKLIST  
Exhibit I**

<b>Required</b>	<b>Submission Requirement</b>	<b>Initial each required entry and if required submit the item</b>
<input checked="" type="checkbox"/>	Business Registration Certificate	
<input checked="" type="checkbox"/>	List of References	
<input checked="" type="checkbox"/>	List of Previous Contracts	
<input checked="" type="checkbox"/>	Signatory Page	

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