



Town of West Seneca

TINA M. HAWTHORNE
TOWN ATTORNEY
thawthorne@twsny.org

MEMO

To: The Honorable Town Board

From: Tina M. Hawthorne, Town Attorney

Date: August 18, 2021

Subject: Ice Rink – Request for Proposals

Please see the attached request for proposals for review and approval. The request is for proposal to operate the concession stand, pro shop, and skate rental at the Town's Ice Rink. Once approved, the Town Clerk will accept proposals until 12:00 p.m. on September 7, 2021. The matter will then be placed on the September 20, 2021 Town Board agenda for review of the proposals and award of the contract. The proposal will result in a monthly rental amount paid to the Town by the awarded proposer.

TOWN OF WEST SENECA
REQUEST FOR PROPOSALS FOR OPERATION OF CONCESSION
STAND, SKATE RENTAL, AND PRO SHOP AT THE HOCKEY
RINK IN THE TOWN OF WEST SENECA

Proposals must be received in the Town Clerk's Office, 1250 Union Road, West
Seneca, New York

By 12:00 P.M. on September 7th, 2021 for acceptance by the Town.

Submit sealed proposals to:

Amy Kobler, Town Clerk
Town of West Seneca
1250 Union Road
West Seneca, NY 14224

Name of Proposer: _____

Address: _____

Telephone: _____

E-mail: _____

Prepared By _____

**REQUEST FOR PROPOSAL FOR OPERATION OF CONCESSION
STAND, SKATE RENTAL, AND A PRO SHOP TO BE AT THE ICE
RINK IN THE TOWN OF WEST SENECA**

A. Notice is given that the Town of West Seneca, a New York Municipal Corporation (hereinafter referred to as Town) is hereby seeking proposals for operation of pro shop, skate rental, and concession stand at the Town of West Seneca Ice Rink.

1. The concession stands, skate rental, and pro shop shall be open at times determined by the proposer for the hockey season, late September through April of each year, at the Town of West Seneca Ice Rink located at 1250 Union Road, West Seneca, New York in the Veterans Memorial Park Complex. The proposer must operate the concession stands, skate rental, and pro shop during all West Seneca Recreation Department skating program at the Ice Rink.
2. The proposer shall have exclusive rights to operate the pro shop, skate rental, and concession stand at the Town Ice Rink.
3. The proposal shall be for a three-year period beginning on September 15, 2021 and terminating on April 30, 2024.
4. Each proposal shall include a monthly rental amount to be paid to the Town by the proposer during the term.
5. Each proposal shall specify whether it includes vending machines at the Ice Rink, which is permissible.
6. Each proposal shall specify what preventive measures will be in place during operations to help prevent the possible spread of COVID-19.
7. The proposal shall comply with all vendor contracts in the Town, including but not limited to beverage and pouring rights.
8. The proposer shall comply with all federal, state, county and local laws in running the pro shop, skate rental, and concession stand.
4. The proposer shall indemnify and hold harmless the Town for any claims, suits, judgments, etc., incurred in the operation of the pro shop and concession stand and shall list the Town as an additional insured on its policy of insurance with combined single limit coverage of at least one million dollars (\$1,000,000.00) per occurrence, and at least three million dollars (\$3,000,000.00) in the aggregate, naming the Town as an additional insured. The proposer must ensure a certificate of insurance

demonstrating such coverage is on file at the Town during the contract term.

B. Contract and Term:

A contract for the term will be provided by the Town to the proposer that is selected by the Town. By submitting a proposal, each proposer agrees that such contract shall conform to the specifications and provisions herein.

C. Qualifications for Submitting a Proposal:

The Town reserves the right to conduct any investigations or due diligence necessary to verify information submitted by anyone who submits a proposal and to determine their capability to fulfill the terms and conditions of the request for proposals.

Any proposer represents and warrants that they are capable and qualified in performing the services described above.

D. Method of Award:

All proposals shall be submitted in a sealed envelope to the Town Clerk on or before 12:00 p.m. on September 7, 2021. The proposals received shall all be opened after the proposal deadline by the Town Clerk and transmitted to the Town Board for consideration. The matter will be placed on the September 20, 2021 Town Board agenda for an award of the contract.

The contract for operation of pro shop, skate rental, and concession stand at the Town's Ice rink shall be awarded by the Town Board. The contract shall be awarded at the full and exclusive discretion of the Town subject to the provisions hereof to the selected proposer. The Town in its absolute discretion, reserves the right to award no contract hereunder to any proposer who submits a proposal and reserves the right to reject any and all proposals.

E. Assignment and Subcontracting:

The successful proposer shall not assign, transfer, subcontract, or otherwise dispose of the contract, or any part thereof, or any right, title or interest hereunder without the prior written consent of the Town. Any assignment or attempted assignment contrary to the provisions hereof is void, any purported assignee shall acquire no rights hereunder, and the Town shall have no obligation to recognize any such assignment or attempted assignment.

F. General Provisions:

A proposer who submits a proposal may not take advantage of any errors or omissions in the proposal process. The Town reserves the right to reject any and all proposals or any and all items in the proposal, even if its actions result in a failure to award the project, and to waive any provisions set forth in these specifications.

Each proposer, by submitting a proposal, irrevocably agrees that if it is determined to be the successful proposer by the Town, such individual shall, within 5 business days of notification from the Town that it is the successful proposer, execute, and deliver to the Town the contract for the performance of the services stated above.

Date: _____

Name of Individual/Company submitting Proposal:

By (Authorized Signature): _____

STATEMENT OF INDIVIDUAL/COMPANY QUALIFICATIONS

All questions must be answered, and the data given must be clear and comprehensive. This statement must be verified before a notary public. If necessary, questions may be answered on separate attached sheets. The individual/company may submit any additional information he or she desires.

1. Name of Individual/Company:
2. Employer Identification Number:
3. Permanent main office address:
4. If a corporation, what State are you incorporated in:
5. How many years have you/company been engaged in business under your present name?
6. Have you/company ever failed to deliver on any municipal contract you were a party to? If so, where, when, and why?
7. List municipal contracts completed by you/company during the past three (3) years:

8. List the relevant background and experience of you and/or the principal members of your company, including the officers:

9. Provide a bank reference:

10. Have you/company ever filed for bankruptcy during the past 6 years? If so, describe the status of the proceedings, whether the same has been closed, the name of the attorney representing you/company during those proceedings, and any other information that may be helpful to the Town in determining the qualifications of you/company to perform the contract to which you have submitted a proposal:

11. Will you/you, upon request, fill out a detailed financial statement and furnish any other information that may be required by the Town.

12. The undersigned hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the Town in verification of the recitals comprising this Statement of Qualifications.

Dated: _____

Individual/Company: _____

By: _____

Title: _____

NON-COLLUSION CERTIFICATION

1. By submission of a proposal, each proposal and each person signing on behalf of any proposer certifies, under penalty of perjury, that to the best of his/her knowledge and belief: (a) the rental amount in the proposal has been arrived at independently without collusion, consultation, communication or agreement, for the purpose of restricting competition, as to any matter relating to such rental amount with any other proposer; (b) the rental amount which has been proposed has not been knowingly disclosed by the proposer and will not knowingly be disclosed by the proposer to any competitor; and (c) no attempt has been or will be made by the proposer to induce any other person, partnership or corporation to submit or not to submit a proposal for the purpose of restricting competition.
2. Where 1(a)(b) and (c) above have not been complied with, the proposal shall not be considered for award, nor shall any award be made unless the Town determines that such disclosure was not made for the purpose of restricting competition.

The undersigned proposer has executed this Certification on the ____ day of _____, 2021.

(Signature) _____

(Title) _____

(Company Name) _____

(Address) _____