

# **New York State Department of Agriculture and Markets**

## **RFP #0153 - Taste NY Management Services**

### **Questions and Answers**

- 1. We have interest in providing a comprehensive proposal response, however, due to the issuance of the RFP prior to the December holidays, we respectfully request consideration of a two week extension for bidder responses. This would move the current due date from January 27, 2017 to February 10, 2017**

A: The RFP deadline will not be extended.

- 2. Can you please let me know if the Lock E-13 location is open now during the winter months?**

A: Currently, Taste NY at Lock E-13 is open seasonally, April - December.

- 3. If not, when will it reopen again?**

A: Currently, Taste NY at Lock E-13 is open seasonally, April - December.

### **General RFP Questions**

- 4. What is the role of current operators at each Taste NY location once this RFP has been awarded to the successful bidder?**

A: The current Taste NY operators, including any subcontractors, will continue to operate the Markets, including staffing, regulatory compliance, sourcing product, vendor relations, inventory management, recordkeeping, reporting, marketing and promotion, etc.

- 5. Can you explain how the bidder expected to collaborate/work with existing Taste NY location operators and staff?**

A: The successful bidder will report to the Department and if requested by the Department, may provide assistance to the existing Taste NY operator.

- 6. Is the bidder responsible for staffing Taste NY location with employees of the bidder?**

A: The successful bidder is not responsible for staffing, but may assist Taste NY operators with hiring, employee training and HR processes to ensure effective management and positive customer experiences. The successful bidder may also choose to assign their own staff, either temporary or permanent, to ensure there are no gaps in staffing and/or to assess performance.

- 7. Is the bidder operating each Taste NY location or only providing management and oversight services and guidance for the existing Taste NY operators at each location?**

A: Oversight and guidance to the Department.

- 8. Can a bidder submit a proposal that includes a current employee of an existing Taste NY location as a member of the project management team?**

A: Yes.

**9. Governor Cuomo has announced 11 Welcome Center locations throughout NY. How will the new Taste NY Locations be incorporated under this contract or in this scope of work?**

A: As described on page 5 of the RFP, the successful bidder is expected to provide roll out strategies for new sites as well as recommendations for all locations including promotion and presentation; operational and management assistance. At this time it is expected that ten new sites in total will open in 2017- 2018.

## **Questions specifically related to RFP section/paragraph**

*1.2 RFP goal "roll out guidance for new locations, operational and management experience that supports growth and expansion of taste NY program"*

**10. Is it correct to assume that each location is staffed by the existing operator, or a subcontract of the operator?**

A: Yes.

*2.2 Scope of Work - b. Development of budget and staffing plans*

**11. Is the staffing plan developed around human resources that are made available through the existing operator?**

A: Yes. See number 6 above.

**12. Are the budgets based on location sales data or State awarded funds for operations?**

A: The Department typically provides a grant to reimburse initial expenses of operator. The successful bidder will not be operating the Markets. However, it is expected that the successful bidder will provide recommendations to the Department for each Taste NY location regarding budget and staffing plans.

**13. Will Taste NY and its partners provide the parameters for budget and staffing plans?**

A: Yes.

**14. Are financial reporting and projection requirements for the reporting and projection of each locations or all locations as a whole?**

A: The successful bidder is expected to assist individual operators with financial recordkeeping and reporting as needed to develop standardized report formats. The Department may also ask for projections pertaining to existing and new Taste NY locations as well as analyses of financial data and metrics to benchmark and evaluate the success of individual operations and the Taste NY platform as a whole.

*2.2 Scope of Work - c. Evaluation and setup of physical site*

**15. Please define what setup of physical site includes?**

A: Set-up may include assisting the operator and/or Department with: POS, testing equipment, inventory assessment, presentation of displays, review of sales procedures/customer service, and other issues related to opening. It does not include purchase of materials, supplies, inventory or equipment, nor does it include construction.

**16. Does setup of physical site include the stocking and back stocking of initial inventory?**

A: No.

**17. Does setup of physical site include purchasing of any equipment, displays, or inventory?**

A: No.

**18. Does setup of physical site include the construction of display shelving, or the physical building of any display elements?**

A: No.

*3.5 Technical Proposal - a. Roll out strategy for new sites*

**19. Are the new sites defined by the announced Welcome Centers?**

A: Yes.

**20. How many new sites are there?**

A: At this time, ten (10) markets at Welcome Centers are planned.

**21. Is there an expectation that this scope of work will apply the same management and oversight requirements to the new sites?**

A: Yes.

**22. Can you please expand on the description of "staffing plan"?**

A: A staffing plan should include, at a minimum, hours of operation, seasonal schedule, position descriptions, hourly rates and number of hours.

**23. Is there an expectation that the successful applicant will provide staff to these locations?**

A: No.

**24. What is the nature of the relationship between the successful applicant and on-sight staff at the listed locations?**

A: The current Taste NY operators, including any subcontractors, will continue to operate the Markets, including staffing, regulatory compliance, sourcing product, vendor relations, inventory management, recordkeeping, reporting, marketing and promotion, etc. The successful bidder will provide intellectual capital and management recommendations to the Department regarding operational aspects across all locations to ensure consistent presentation and to maximize efficiencies and sales. The successful bidder will interact with each operator as necessary to provide such recommendations.

## Needed Clarification on Scope of Operational Responsibility

As you can tell, our team has several questions relating to the ambiguous definition of the operational requirements of the bidder. Almost all language in the RFP suggests that the bidder is expected to play the role of an expert adviser providing management oversight and operational insight to create and “ensure a world class customer and tourism experience”. That-being-said, there are several areas of the RFP and attachment documents that make our team if there is actually an expectation of conducting operations at each location including staffing, purchasing, sales, and operating expenses. The following section points out some of the discrepancies we found and our questions related to this issue.

## Discrepancy found between RFP and Submission Document Attachment 2

RFP Paragraph 3.4 MANDATORY CONTRACT REQUIREMENTS states the following:

Each company must certify that:

A. No other obligation or engagement, contractual or otherwise, will conflict with or in any way impact its ability to provide the services required under the RFP.

B. It shall have full control of the operation and assume total responsibility for all liability for accident, injury and/or death that may occur as a result of services provided. The Vendor shall indemnify and hold harmless the State of New York, the Department...

RFP Submission Document ATTACHMENT 2 – MANDATORY REQUIREMENTS CERTIFICATION states the following:

Mandatory Contractor Requirements:

By signing this form, the undersigned bidder certifies that, if selected, the bidder will meet the following requirements:

1. The selected Contractor must certify that no other obligation or engagement, contractual or otherwise, will conflict with or in any way impact its ability to operate the food service operation and the store.

2. The selected Contractor must certify that it shall have full control of the operation and assume total responsibility for all liability for accident, injury and/or death that may occur as a result of services provided. The Contractor shall indemnify and hold harmless the State of New York, the Department...

As evidenced by the highlighted sections the language contains significant differences, the following questions address this discrepancy:

**25. In the yellow highlighted sections we see that ATTACHMENT 2 includes “ability to operate the food service operation and the store.” How does the Department define operate in this context?**

A: The Contractor will **NOT** be responsible for operating a food service operation and the store.

The language in the RFP language and Submission Documents have been clarified and the changes should be noted as follows:

**3.4 (B) of the RFP:**

The selected Contractor will indemnify and hold harmless the State of New York, AGM, its officers and employees from all claims, demands, damages, expenses, liability or obligation for damages, loss or injury to, or of, any person or property arising out of the acts of selected Contractor, its agents, servants, employees and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.

**Attachment 2 of the Submission Documents:**

1) The selected Contractor must certify that no other obligation or engagement, contractual or otherwise, will conflict with or in any way impact its ability to provide services required under this RFP.

2) The selected Contractor must certify that it will indemnify and hold harmless the State of New York, AGM, its officers and employees from all claims, demands, damages, expenses, liability or obligation for damages, loss or injury to, or of, any person or property arising out of the acts of selected Contractor, its agents, servants, employees and those acting for or on its behalf. Such indemnity shall not be limited by reasons of any insurance coverage provided.

**26. What is expected of the bidder in this context?**

A: The Contractor will be expected to provide recommendations regarding 1) in-store promotion and presentation, 2) roll out strategy for new locations, and 3) operational and management assistance.

**27. Is the bidder expected to conduct or provide the following?**

A: See numbers 28 through 30 below.

**28. Provide staffing for operations?**

A: No.

**29. Conduct purchasing of equipment, supplies, and product?**

A: No.

**30. Conduct product sales and manage AR and AP bank accounts?**

A: No.

**31. Please clarify if the Bidder is expected to be the Operator of each Taste NY Location, or if the bidder is expected to provide assistance to the operator of each location.**

A: The successful bidder will not be the operator of each Taste NY location.

**32. How does the Department define "all liability" in the context of the answers to the above questions?**

A: Page 3 of the proposed contract states the following:

The Contractor agrees to indemnify and hold harmless the State of New York and the Department from all liability incurred by the Department for bodily injury (including death) and real and personal property damage resulting from the negligent acts, errors or omissions of the Contractor, its officers, agents or employees in the provision of services under this Agreement, provided that the Department timely notifies the Contractor of any such claim and afford the Contractor an opportunity to defend such claim and cooperate fully with the Contractor in the defense of any claims

**33. What is the bidder liable for as *operator v.s. management oversight/assistance*?**

A: The selected bidder will **NOT** be the operator. The selected bidder would be responsible for all liabilities resulting from providing services under contract

**34. (2.2) *Scope of work (B) Roll out Strategy for new sites. Does this mean that there is future location that maybe added to this contract?***

A: Yes.

**35. Who is responsible for the development of the new sites? The contractor or the state?**

A: The State will develop the new sites and be responsible for related costs. The successful bidder is expected to provide recommendations for the development and evaluation of new sites, such recommendations for scale and scope of operations, equipment, floor plans, etc.

**36. (3.5) How many new sites are being planned?**

A: At this time, ten (10) markets at Welcome Centers are being planned.

**37. What is the time frame?**

A: 2017 and 2018.

**38. Who is responsible for the cost and evaluation to set-up each physical site?**

A: New York State.

**39. (3.6) Should each location have a separate fee or should it be just for the four locations together?**

A: One fee for all locations.

**40. Each Taste of NY location is designed differently than the other. Is there a designated area that the contractor is responsible for and a designated area that state is responsible for?**

A: Each Taste NY Market has a designated area that is the responsibility of the Department and its contractors.

**41. Can the state supply us with floor plans?**

A: Floor plans will be provided to the successful bidder.

**42. Is the contractor responsible for the cost of any R&R of the facility/equipment/HVAC?**

A: This will not be the responsibility of the successful bidder.

**43. Who is responsible for the cost of the utilities/waste removal at each location?**

A: Varies by site. This will not be the responsibility of the successful bidder.

**44. Can we gain access to detailed drawing of the interior lay out of each location?**

A: Drawings will be provided to the successful bidder.

**45. Are there any contracts with food vendors? Example (We will purchase a minimum of 50 cases of honey at a certain location by the end of the year.)**

A: Product selection currently varies by site to best market each region's local agricultural offerings. The successful bidder will have access to detailed information about each location that is essential to providing the Department with recommendations.

**46. Are all public areas restrooms, entrance ways, lounge, outdoor seating, exterior garbage, and windows not in the area of Market Place the responsibility of NYS to clean and maintain or the contractor?**

A: Varies by site. None of the above will be the responsibility of the successful bidder.

**47. Whose is responsible to maintain the parking lots and sidewalks at each location?**

A: Varies by site. None of the above will be the responsibility of the successful bidder.

**48. Whose responsibility/expense is it to maintain landscaping, pothole repair, parking lot striping, and fence repair?**

A: Varies by site. None of the above will be the responsibility of the successful bidder.

**49. Who is responsible for roof, window, and door repairs?**

A: Varies by site. None of the above will be the responsibility of the successful bidder.

**50. Are we able to put Pop up Farmers Markets at each location?**

A: Recommendations from the successful bidder for farmers' markets will be considered by the Department. The successful bidder will not be responsible for operating farmers' markets.

**51. What role does the bidder play in menu item selection and pricing?**

A: It is expected that the successful bidder will provide recommendations for menu items and pricing.

**52. Is there an incumbent manager for any of the 4 locations?**

A: The current Taste NY operators at each location are as follows: Todd Hill – Cornell Cooperative Extension of Dutchess County; Lock E-13 – Montgomery County Chapter of NYARC, Inc.; Broome Gateway – Cornell Cooperative Extension of Broome County; Long Island Welcome Center – Cornell Cooperative Extension of Nassau County.

**53. If so can we get financials for last couple of years?**

A: The successful bidder will have access to detailed financial data from each location in order to provide the Department with recommendations

**54. Is the fix fee bid for the total contract of 4 locations or by unit?**

A: All locations.

**55. What does RFP mean by the possibility of partial awards?**

A: While the Department reserves its right to make less than a full award. It does not anticipate making a partial award.

**56. Units may be divided to different bidders?**

A: No.

**57. How is the cost proposal paid out?**

A: Payment will be made on a reimbursement basis.

**58. Does NYS state pay the bidder each month/yearly or does bidder handle the financial side and pay itself the fee with other funds going to NYS.**

A: The Department will pay the successful bidder directly.

**59. There is poor signage directing traffic into the Kirkwood location. Will the state be erecting a more prominent sign?**

A: Recommendations from the successful bidder for signage will be considered by the Department.

**60. Can magazines and books be sold at all locations?**

A: Recommendations from the successful bidder regarding the sale of publications that support New York agriculture and products will be considered by the Department.

**61. Can the contractor choose to eliminate frozen or refrigerated products that are currently being offered for sale but do not sell?**

A: Recommendations from the successful bidder regarding product selection, sourcing and inventory controls will be considered by the Department.

**62. Can an exterior porta potty be added to locations that require additional bathroom facilities?**

A: This would depend on the particular location.

**63. If porta potties are allowed to be added, whose responsibility will it be to pay for the cost of daily cleaning?**

A: This will not be the responsibility of the successful bidder.

**64. Who is the current food contractor at each location?**

A: The current Taste NY operators at each location are as follows: Todd Hill – Cornell Cooperative Extension of Dutchess County; Lock E-13 – Montgomery County Chapter of NYARC, Inc.; Broome Gateway – Cornell Cooperative Extension of Broome County; Long Island Welcome Center – Cornell Cooperative Extension of Nassau County.

**65. Whose responsibility is it to pay capital costs at each location (i.e. replacement or addition of any major equipment)?**

A: This will not be the responsibility of the successful bidder.

**66. Can we obtain the monthly sales for each location for 2015 & 2016?**

A: The successful bidder will have access to detailed sales data from each location in order to provide the Department with recommendations.



**67. Are the employees at the I Love NY Information Booths state employees or contractor employees?**

A: Responsibilities for providing tourism information varies by site. Typically the operator employs a subcontractor, such as a local tourism promotion agency.

**68. Can seating be added both inside and outside where permitted?**

A: The Department will consider recommendations from the successful bidder.

**69. Is there a minimum amount of labor required at each location?**

A: No.

**70. Can TV monitors be added to show news/weather, etc.?**

A: The Department will consider recommendations from the successful bidder.

**71. If so, at whose expense?**

A: The expense would be paid by the State.

**72. Can cooking be added to any of the locations?**

A: It is expected that the successful bidder will provide food service recommendations for each location.

**73. Is the state currently paying a fee to the current contractor?**

A: Yes.

**74. If so, how much is it?**

A: It varies by location.

**75. Can you provide a list of job titles (Manager, Buyer, Cashiers, etc.) and how many of each job title you have in each of the 4 locations?**

A: The successful bidder will have access to detailed information about the staffing plans for each location in order to provide the Department with recommendations.

**76. Are there any centrally located positions that support the 4 locations?**

A: Not currently. One of the goals of this RFP is to provide cohesive, consistent management across all identified retail locations.

**77. If so, can you tell us their function?**

A: N/A.

**78. Will any positions be eliminated that support the 4 locations?**

A: The successful bidder will have access to detailed information about the staffing plans for each location in order to provide the Department with recommendations.

**79. Can we get a list of vendors (Retail and Supplies) the 4 locations are buying from presently?**

A: The successful bidder will have access to detailed information about vendors for each location in order to provide the Department with recommendations.

**80. What POS system does each of the 4 locations use?**

A: The following POS systems are currently being used: Todd Hill – Fishbowl; Broome Gateway and Long Island Welcome Center – Revel; Lock E-13 -- StoreLIVE. The Department will consider POS system recommendations by the successful bidder for current and new Taste NY locations.

**81. Does each location have 3 sink compartments?**

A: Currently the Long Island Welcome Center and Lock E-13 locations do.

**82. Does each location have back room freezers and refrigerators?**

A: Currently the Long Island Welcome Center and Lock E-13 locations do.

**83. Can we get annual net sales by month by location?**

A: Taste NY is a growing promotional platform with approximately \$14.25 million in gross retail sales in 2016. The successful bidder will have access to detailed information about sales data from each location in order to provide the Department with recommendations.

**84. Can we get last on hand inventory by dollars (at cost and retail) for each location?**

A: The successful bidder will have access to detailed information about inventory for each location in order to provide the Department with recommendations.

**85. Can we get a list of all special and annual events by location?**

A: The successful bidder will have access to detailed information about events for each location in order to provide the Department with recommendations.

**86. Can we get a list of the top 100 selling items (by units sold and dollars sold) from each location?**

A: The successful bidder will have access to detailed information about sales from each location in order to provide the Department with recommendations.

**87. Are there any other consulting or service agreements/contacts with other firms at any of these 4 locations?**

A: Yes.

**88. If so, what service or consulting do they provide and how long are these contracts?**

A: An agreement for various services associated with the development and/or operations of the Taste NY Markets ends March 20, 2017. Another agreement for the supervision of operations at the Long Island Welcome Center ends April 11, 2017.

**89. Are there any remodels or expansion planned for any of the 4 locations?**

A: Remodels are currently being planned for Broome Gateway and Lock E-13.

**90. If so, is there capital allotted?**

A: The State will be responsible for capital expenses.

**91. Can we attain all logos and usage guidelines for Taste of NY and any sub brands for these locations?**

A: A Taste NY Trademark License Agreement will be included in the contract of the successful bidder. Logos and usage requirements will be provided.

**92. Can we attain store drawings for all 4 locations (all areas of locations)?**

A: Floor plans will be provided to the successful bidder.

**93. Who (positions/titles at Taste of NY) will the winning bidder work with?**

A: The successful bidder will interact with various Taste NY staff.

**94. Where are they located?**

A: The Albany office.

**95. Can we attain a list of non-retail (supplies, etc.) for the 4 locations?**

A: Non-retail supplies vary by location and are the responsibility of each operator. The successful bidder will have access to detailed information about non-retail supplies for each location in order to provide the Department with recommendations.

**96. Who does Taste of NY and specifically these 4 locations source their uniforms, maps, cleaning and breakroom items from presently?**

A: Non-retail supplies vary by location and are the responsibility of each operator. The successful bidder will have access to detailed information about non-retail supplies for each location in order to provide the Department with recommendations.

**97. Does each of these 4 locations have staff that is Serve Safe Certified?**

A: Not currently.

**98. If so, how many at each location?**

A: N/A.

**99. Does Taste of NY use a secret shopper to review Guest Service Levels?**

A: Not currently.

**100. Please note our earlier question requesting a two week extension of the RFP due date to February 10, 2017.**

A: Your question is noted.

**101. Please provide the dates and locations of the Taste NY sites opening in 2017.**

A: At this time it is expected that ten new sites in total will open in 2017- 2018.

**102. We understand the design and build-out of the LIEWC location was the result of an RFP process. Will the design and construction of additional locations be the result of an RFP as well?**

A: Design and construction will be provided by other State agencies and/or their contractors.

**103. In reference to Section 3.5, Technical Proposal, A. Scope of Services Plan, Roll out strategy for new sites, Page 8: Would this be for existing stores that the successful bidder takes on or new ones coming on line?**

A: Both.

**104. Does Taste NY have the layouts of the physical sites?**

A: Floor plans will be provided to the successful bidder.

**105. Can the current sales data for the four locations included in the RFP be made available?**

A: Taste NY is a growing promotional platform with approximately \$14.25 million in gross retail sales in 2016. The successful bidder will have access to detailed information about sales data from each location in order to provide the Department with recommendations.

**106. Will all revenue generated by the four locations included in the RFP go to the New York State Department of Agriculture and Markets?**

A: Revenues will be placed in a dedicated account to support Taste NY operational expenses. Revenues will not be shared with the successful bidder.

**107. Will current Taste of NY staff and employees remain as employees of the NYS Department of Agriculture and Markets or is the expectation that those employees will transition to the management services provider?**

A: There will be no transition.

**108. Will management services vendor be responsible for procurement, inventory management and sales tracking of product in stores?**

A: No. However, it is expected that the successful bidder will provide recommendations to the Department on these and other operational related issues.