

LEASING OPPORTUNITY

National Parks of Boston
Charlestown Navy Yard Food Truck Locations



All photos are credited: Katy Rogers, Courtesy USS Constitution Museum

REQUEST FOR BIDS

(Term: up to 1 year)

RFB Release Date: March 7, 2024	Initial Bid Submittal Deadline*: April 7, 2024 5:00 PM EST
Site Tour: Upon Request	Anticipated Date for Selection: Bidder/s: April 19, 2024
Submit Questions To: BOST_Permits@nps.gov	Anticipated Lease Commencement: On or Before May 1, 2024

*NPS may accept proposals until all sites available under the RFB are leased.

The National Park Service and National Parks of Boston

The National Park Service and its Mission

America's National Park System was created by Congress "to conserve the scenery, natural and historic objects, and wild life" therein, and "to provide for the enjoyment" of the same "in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." 54 U.S.C. 100101(a). Additionally, Congress declared the National Park System should be "preserved and managed for the benefit and inspiration of all the people of the United States." 54 U.S.C. 100101(b)(1)(C). The National Park Service (NPS) has as its overall mission the preservation and public enjoyment of significant aspects of the nation's natural and cultural heritage.

54 U.S.C. 102102 (formerly 16 U.S.C. 1a-2(k)) allows the NPS to lease certain federally owned or administered property located within the boundaries of park areas. The leasing process is regulated pursuant to **36 C.F.R. Part 18**.

To learn more about the NPS, visit our website at www.nps.gov. This site includes information about who we are, our mission, NPS policies, and individual parks.

National Parks of Boston

The National Parks of Boston is a collection of three National Park System sites – Boston National Historical Park, Boston African American National Historic Site, and Boston Harbor Islands National and State Park. Established by individual legislation and for designated purposes, the three units have come

together under a unified organizational umbrella to collaborate in ways that celebrate our cultural heritage, reconnect people to history and nature, and provide outdoor recreation opportunities on land and on the water. The facilities offered in this Request for Bid (RFB) are located in the Charlestown Navy Yard, which is part of the Boston National Historical Park.

Charlestown Navy Yard

Charlestown Navy Yard (CNY) is located at the northern end of Boston's Freedom Trail in Boston's Charlestown neighborhood between the Charles & Mystic Rivers. For nearly 200 years, CNY has been used for ship building and repair from the age of sail to the age of steel. It became part of the National Park System in 1974 where it is currently home to the USS *Constitution*, USS *Cassin Young*, and the USS Constitution Museum. Freedom Trail visitors from around the world walk the decks of the historic ships and engage in naval history at the museum. In addition to our tourist visitors, many locals work or study at many of the institutions in Charlestown (i.e., Mass General Hospital, Spaulding Hospital, etc.). People can access CNY through the Charlestown Bridge, the Charlestown MBTA Ferry from Long Wharf, or the Charlestown Locks near North Station. More information can be found at www.nps.gov/bost.

During summers, CNY is a destination for almost two million visitors. Historic annual visitation figures are public and available to review at <https://irma.nps.gov/Stats/Reports/Park>. CNY offers special events throughout the season such as concerts, outdoor movies, and programs run by some of our partners. Standard amenities at CNY include public bathrooms, air-conditioned Visitor Centers, and connections to public transit.

Request for Bids Summary

This opportunity is a Request for Bid (RFB). The NPS may accept bids until all sites available under the RFB are leased for all days of the week. In the event the NPS and a selected Bidder fail to execute a lease, or in the event any such lease is terminated resulting in a vacancy, the NPS reserves the right to negotiate a Lease with the next highest Bidder from the accepted pool of Bidders. Until a Lease for any particular site for any particular day of the week is executed, the NPS reserves the right to reject one or all bids, discontinue the solicitation, or terminate Lease negotiations for such a Lease without penalty or liability.

This RFB provides the opportunity for interested individuals and organizations to submit bids to the NPS to lease select designated areas at CNY under the terms and conditions contained in the attached Offered Lease (Exhibit B). Areas available for lease are for terms of **up to one year with a lease expiration date no later than April 30, 2025**. During the lease term, Lessors will be authorized to use the leased premises during only certain day(s) of the week and during certain hours of the day. See the attached Offered Lease (Exhibit B) for terms of use and occupancy. The Lease(s) negotiated between the NPS and each of the Selected Bidders cannot differ materially from the terms of this RFB.

Property Offered for Lease

There are two lease spaces identified by the NPS as suitable for mobile food and beverage vending located in the Charlestown Navy Yard at Boston National Historical Park. These spaces are located along First Avenue perpendicular to Pier 1, passing the tennis courts, but before the flagpole terrace. Each space is approximately 10' by 30'. See Exhibit A: Location Maps and Pictures. Bidders are encouraged to inspect site locations prior to submitting bids to ensure the locate is adequate for the Bidder's needs. The NPS will assign the lease spaces to Lessees; Lessees will not select which lease space they use.

There are no utilities available at the premises to be leased. As water hook-ups and drainage are not available, Lessees will be responsible for providing sufficient water for operations and disposing of gray- and wastewater offsite. As electricity is not provided, gas or propane generators operating under 60 decibels at 50 feet from the truck are permitted in connection with mobile operations.

Use of Property

The Offered Leases will authorize use and occupancy of government land in connection with the sale of food and/or beverage items. The sale of alcohol is PROHIBITED.

Food Safety Requirements

Sale of food and beverage on the Premises is subject to all applicable food safety laws, regulations, and policy, as well as assessments and inspections. The NPS Office of Public Health provides oversight for food service operations through the provision of periodic food service sanitation inspections. The inspections are conducted on a frequency established by the NPS. All assessments will be completed pursuant to guidelines established by NPS Reference Manual 83A, which can be found at:

https://www.nps.gov/subjects/policy/upload/RM-83A_6-20-2019.pdf, including the most recent version of the Food and Drug Administration (FDA) Food Code, which can be found at:

<https://www.fda.gov/food/fda-food-code/food-code-2022>.

1. Selected Bidders must provide proof that at least one person working on the truck is a "Certified Food Protection Manager."
2. Lessees must also have a valid City of Boston Food Truck Permit at all times of operation. Instructions on the process for applying for a food truck permit can be found at: <https://www.boston.gov/departments/small-business-development/how-get-food-truck-permit>.
3. The NPS reserves the right to immediately suspend, terminate, or revoke this Lease if the NPS, in its sole discretion, determines that the Lessee has failed to comply with food safety requirements and/or any other public health requirements.

Inspections conducted by the NPS will be undertaken by Regional Public Health Consultants or Park Sanitarians.

All premises shall be subject to the general supervision and inspection by the NPS and to such rules and regulations regarding ingress, egress, safety, sanitation, and security, as may be prescribed by the NPS from time to time.

Term of Lease

The Proposed Lease term may not exceed a maximum term of one (1) year with a lease commencement date on or before May 1, 2024, and a lease expiration date no later than April 30, 2025, for all spaces and all days. Leases are not renewable.

Each Lessee's right of use and occupancy under its Lease will not be continuous. Each Lease will specify the day(s) of the week when the Lessee is authorized to use the leased space. Furthermore, the Lessee will be authorized to use the leased space only during the hours of 8:00 AM to 6:00 PM, plus reasonable set-up time prior to 8:00 AM and reasonable tear-down time after 6:00 PM, neither to exceed one (1) hour.

Rent & Other Financial Obligations

Rent required by the Offered Leases is as follows:

- The minimum rent is \$40 per shift. Bids are to include per-shift rents not less than the minimum rent. A shift is defined as a maximum of five (5) operating hours in which at least one (1) meal (breakfast, lunch, or dinner) is covered. Set-up and tear-down time is not included in the “shift.” Each day of a Lease will consist of either one or two shifts.
- Rent is calculated by multiplying the per-shift rent by the number of shifts. Bidders should indicate on the bid sheet (Attachment C) the Rent offered.

Rent is due as follows:

- Upon execution of the Lease, rent is due on the following schedule:
 - Initial Payment— First half of Rent due by June 15, 2024; and
 - Second Payment— Remainder of Rent is due by September 15, 2024.

Additional Rent will be due if, upon written agreement, a Lessee is authorized to use the leased premises for additional days within the lease term.

- Additional Rent Payments (if applicable) are due by December 15, 2024, for Additional Rent incurred prior to November 1, 2024, and by the lease expiration date for all other Additional Rent.

Other Terms and Conditions

The Offered Leases includes provisions addressing compliance with applicable laws; repair and maintenance obligations; termination; default; and insurance, among other provisions.

On a monthly basis, the Lessee will be required to report certain sales data including but not limited to gross revenue and number of transactions for the portion of the year the Lessee is operating (usually May through September). Upon NPS request, the Lessee may be required to submit their tax return prior to the start of the next season.

The failure of a Lessee to pay rent or honor any of the terms and conditions of the Lease may result in termination of its Lease.

The successful Bidders will be required to comply with all applicable law, including but not limited to applicable law, regulation and policy pertaining to public health.

Competitive Process

This lease opportunity is open to all interested persons on a competitive basis. The NPS will select the two highest Bidders (one Bidder per space) for award of a lease for each day of the week, provided that the two highest Bidders submitted responsive bids and subject to a determination of financial capability. A responsive bid is a bid that meets the material terms and conditions of this request for bids.

The NPS will compare the bids and identify the two highest bids on a day-by-day basis. In this regard, please note:

- A Bidder may be among the two highest Bidders for less than all days on which it bids. For example, a Bidder may submit bids for Saturday, Sunday, and Monday, but have submitted one

of the two highest bids only for Saturdays and Sundays, in which case the Bidder will be the selected Bidder only for Saturdays and Sundays.

- The NPS will consider the total per-day rent. For example, a bid for two shifts at \$50/shift, totaling \$100/day, will be treated as a higher bid than a bid for one shift at \$80/shift, totaling \$80/day.

If two or more bids are equal for any given day of the week, a drawing shall make the lease award by lot limited to equal responsive bids received.

Bid Submission Date

Bids submitted in response to this RFB must be received by that date and time noted on the first page of this solicitation. Bids must be submitted in the form and to the e-mail address stated on the following pages.

Authority

This RFB is issued under the authority of federal law and regulation. The applicable law is found at 54 U.S.C. 102102 and leasing regulations may be found in the Code of Federal Regulations at 36 CFR Part 18. This RFB and the Offered Lease are subject to and incorporate all terms and conditions of Part 18. In the event of any conflict between the terms of this RFB and the CFR, the CFR controls.

Submission of Bid

Bid Submission Requirements

In accordance with the Code of Federal Regulations – 36 CFR Part 18.7(b) which governs how lease proposals are solicited under an RFB, NPS specifies that bids must be in the form of a single PDF file and submitted electronically to BOST_Permits@nps.gov. The subject line should include the following: **BID – CNY Food Truck Locations RFB 2024 – [Last Name of the Individual Bidder or the name of the Business Entity, please exclude the brackets]**. Bid submissions will not have been deemed received until the NPS issues a written response confirming receipt via email reply. Bids delivered via telephone, fax, mail, hand-delivery and other means of transmittal will not be considered.

Questions not addressed in this RFB will be collected and responded to through the issuance of Questions and Answers (Q&A) to all interested parties. Questions should be submitted to BOST_Permits@nps.gov. The Q&A along with this RFB and all Exhibits and Attachments can be found at the Park's website, <https://www.nps.gov/bost/getinvolved/dobusinesswithus.htm>.

NPS Selection

The NPS will review all responses to this RFB as follows:

- To be considered responsive, Bidders must submit a bid sheet (see Attachment C) and all additional information identified as required below. The Bidder must identify the following on the bid sheet:
 - Indicate the amount of rent offered, which must be not less than the minimum rent of \$40/shift.
 - Indicate your proposed schedule (i.e., proposed dates of operation, days of the week worked, and operating hours).

- Sign the bid sheet. By signing, the Bidder unconditionally agrees to the terms and conditions of the Offered Lease (see Exhibit B).
- Bidders must provide the following in order to qualify:
 - **Required Financial Information** - Completed Attachments A & B (one of Forms 10-352, 10-353, or 10-354 as applicable, and Form 10-355).
- The bid opening and anticipated selection will take place on the date noted on the first page of this solicitation.
- The two Bidders submitting responsive bids offering the highest rents for each day of the week will be selected for award of the Offered Lease subject to the NPS determining that each successful Bidder has the financial capability to enter into the Offered Lease as explained below.
- If two or more bids for the same variety/offering are equal, a drawing shall make the lease award by lot limited to equal responsive bids received.
- It is anticipated that new leases awarded in connection with this opportunity will commence on or before **May 1, 2024**.

Confidentiality of Bids

If you believe that a bid package contains financial information that you do not want to be made public, please include the following sentence on the cover page of the bid package:

“This bid package contains trade secrets and/or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act. The Bidder requests that this information not be disclosed to the public, except as may be required by law.”

In addition, you must specifically identify what you consider to be trade secret information or confidential financial information on the page of the bid package on which it appears, and you must include the following sentence on each such page:

“This page contains trade secrets or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the non-disclosure statement on the first page of this bid package.”

Information so identified will not be made public by NPS except in accordance with the requirements of applicable law.

Determination of Financial Capability

Bidders shall include as part of their submission in response to this RFB Attachment A (either Individual or Business, as applicable) demonstrating financial capability. The Bidders that are determined by the NPS to be one of the two highest responsive Bidders for each day of the week (or the successful Bidders) may also be subject to background investigations to be conducted by the United States and must comply with same.

Award Process

Selection of a bid does not guarantee a lease for the Bidder. The successful Bidders must execute and return the final Offered Lease within 30 calendar days after delivery by the NPS. If a successful Bidder fails to execute the final Offered Lease, the NPS may choose to enter into the Offered Lease with the

next responsive highest bidder or may choose to forego any award without liability or obligation to any person.

The NPS may reject any and all bids in its discretion and re-solicit or cancel a lease solicitation at any time without liability or obligation to any person.

Bidders who are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from a public transaction by a federal department or agency, or whose legal authorizations to undertake operations on park lands or to use and occupy park lands and facilities have been revoked, suspended, or terminated, or whose obligations for payments have been deemed delinquent and have been deferred to the United States Treasury, are not eligible for consideration.

EXHIBITS & ATTACHMENTS

Exhibit A:	Location Maps and Pictures
Exhibit B:	Offered Lease For reference purposes only
Exhibit C:	Bid Sheet Instructions and Example
Attachment A:	Required Financial Information Complete and include only one of the following as applicable:
	Identification and Credit Information (Individual) NPS Form 10-352 - OMB Control Number 1024-0233
	Identification and Credit Information (Business: Individual or Sole Proprietor) NPS FORM 10-353 - OMB Control Number 1024-0233
	Identification and Credit Information (Business: Corp., LLC, Partnership, or Joint Venture) NPS FORM 10-354 - OMB Control Number 1024-0233
Attachment B:	Financial Information for Revenue Producing Uses NPS FORM 10-355 - OMB Control Number 1024-0233
Attachment C:	Bid Sheet (Excel Workbook)

Exhibit A: Location Maps and Pictures

