



**L2401 – Marine Uses at Hudson River Park’s Pier 40 in Manhattan**

**RFP Questions and Answers**

September 22, 2023

Questions are presented below in **bold**, with answers from the Trust in *italics*.

- 1. Is there any issue with installing floating docks and a gangway?**
  - A. Any proposed installation shall be subject to the Trust’s review and approval. Respondents whose business model depends on the installation of floating docks are advised to submit a schematic or conceptual design along with their proposal for review. Depending on the size and type of installation (i.e., whether a floating dock or a gangway is proposed), notice or permitting may be required of New York State Department of Environmental Conservation (NYSDEC) or United States Army Corps of Engineers (USACE).*
  
- 2. Who is responsible for the environmental permits required to install floating docks at Pier 40?**
  - A. The respondent would prepare all necessary environmental permit applications, as applicable. A decision as to whether the application will be in the name of the occupant of the Premises or the Trust will occur at the time the work is proposed to be filed with the relevant agencies. Typical authorities having jurisdiction over this type of installation are USACE and NYSDEC.*
  
- 3. When determining the fee schedule specifically the revenue threshold. Is it possible to detail expenses that will count against the revenue threshold such as insurance?**
  - A. Yes.*
  
- 4. Please provide the amount of annual revenue received by the Trust from the current permittee for the last complete fiscal year of operation. This shall include base fee and any percentage fee.**
  - A. Last year, Trust received approximately \$767,000, including a base fee and percentage fee from the current permittee. Additionally, the Trust generated \$527,000 in Pier 40 parking garage revenue derived from attendance at Permittee events. Please be aware that the current permittee uses less berthing space than what is being offered through this RFP.*
  
- 5. Does HRPT have financial reports specific to the Pier 40 premises offered in this RFP?**
  - A. See response to Q 4 above.*
  
- 6. What were the annual common charges issued to the Permittee in FY23?**
  - A. As per RFP Section V: Financial Requirements, Permittee is responsible for the costs of daily maintenance and operations as further detailed in Appendix 6. As part of the permit negotiation, Permittee and Trust can determine if the Permittee will maintain the Common Area itself or pay the Trust a common service charge. Examples of Common Area services are snow removal, sprinkler and fire safety system maintenance and repair, exterior lighting, etc. In the last fiscal year, the amount charged to the current permittee was \$34,224.*

- 7. Is the Permittee's monthly fee adjusted for any park event or future construction as noted in Appendix 6 #2 that interferes with the permittee's operation?**
  - A. Such a decision will be made depending on the number of days the Permittee does not have access to Pier 40.*
  
- 8. What is the total revenue the Trust has received from or on behalf of permittees/lease holders (whether prime or sub) for the past ten (10) years for Marine Uses at Hudson River Park's Pier 40? Please break this information out by year (and, if available, by month and quarter); further broken out as follows:**
  - a. in the aggregate for each such period and**
  - b. for each period by fixed amounts and any variable component paid?**
  - A. See response to Q 4.*
  
- 9. if there is a variable component to the fees paid by the current permit/lease holder, how is the variable fee/rent component calculated?**
  - A. Currently this is a percentage of gross revenue over an annual threshold.*
  
- 10. What agreements that are currently in effect have the Hudson River Park Trust (the Trust) entered into or otherwise agreed or consented to, that relate to Marine Uses at Pier 40, including all current permit agreements, leases, subleases, or other agreements and please provide copies of such agreements?**
  - A. The Trust's permit with the current permittee Hornblower New York, LLC will expire prior to the commencement of the new permits expected to be executed pursuant to this RFP. To ensure the Trust receives competitive fee schedules from respondents, the Trust is not sharing the existing permit prior to the date that proposals are due on October 5, 2023. Refer to response to Q 4 for revenue received.*
  
- 11. What reports have the Trust received from or on behalf of any permit holder, sub-permit holder, lessee, or sublessee in connection with any active permit/lease relating to Marine Uses at Pier 40, including, without limitation, reports that calculate fees payable to the Trust for Marine Uses at Pier 40, and please provide copies of these reports and any information contained in these reports relating to fees payable to the Trust.**
  - A. See response to Q 10 above.*
  
- 12. What reports have the Trust provided to Community Board 2, any committee or task force thereof, or any other government agency or body over the last ten (10) years that includes information relating fees paid or payable to the Trust in connection with Marine Uses at Pier 40, and please provide copies of such reports?**
  - A. See response to Q 10.*
  
- 13. Please describe the nature of the repairs to Pier 40's pilings that took place in FY23.**
  - A. Piles supporting the superstructure of Pier 40 were completely restored to original load capacity this past year. This did not include work on fender piles or other mooring components.*
  
- 14. Is there an internal or independently produced report on the useful life and maintenance needs for piles and other infrastructure that support the berthing operations?**
  - A. Trust retains inspection and engineering reports of all its piers.*

- 15. Is there a current structural survey of the premises? Is there information available on the most recent improvements undertaken at the Pier 40 premises?**  
A. *See the response to Qs 13 and 14 above.*
- 16. If found to be less costly than if the Trust were to provide it, can the Permittee assume the responsibility of outfitting the Premises for the proposed uses?**  
A. *Yes, with Trust's prior written approval and all necessary permits.*
- 17. Will the Permittee be given any credit for investments at the Premises identified and budgeted before execution of an agreement?**  
A. *Permittee shall accept the Premises as-is. If Permittee wants to make any updates to the Premises, it will be at its sole cost and expense and with Trust approval. See Appendix 4-1.*
- 18. Are there vessel passenger capacity restrictions at Pier 40?**  
A. *The respondent should evaluate the existing facility and make the determination themselves of the appropriate vessel size at that location, which will determine the passenger capacity, along with appropriate design and/or certification of any mooring infrastructure.*
- 19. I am reaching out to seek clarification regarding the engine standards outlined in the Hudson River Park Trust Request for Proposals (RFP). In Section VII of the RFP documentation, there is a reference to the requirement of identifying engines, their conformity with the latest EPA standards, and any adopted emission reduction measures.  
I am particularly interested in obtaining information about the current engine type that is presently in use. To ensure utmost transparency in preparing a competitive bid for this RFP, I would greatly appreciate insights into the most optimal and efficient boat type that would align with the outlined criteria.  
Could you please provide clarification on whether it is a requirement or a suggested approach to utilize a Tier 3+ engine for the designated boat? Your insights on this matter will aid us in tailoring our bid strategy to align with the specified standards.**  
A. *The RFP requires identification of the engines used for proposed vessels and whether the engine meets current Environmental Protection Agency (EPA) standards. Standards will vary based on the type and age of a vessel. While not a requirement, the Trust prefers cleaner equipment be located in the Park and thus asks that the respondent identify the engines used and what EPA standards the engines meet when submitting a proposal.*
- 20. Would a floating barge with a swimming pool be considered as a partial permissible use? It would serve food and drinks (alcoholic and non-alcoholic) and be open to the public to use the pool in the afternoon.**  
A. *Refer to RFP Section IV-A- Permitted Uses. This use can be considered as long as it adheres to the RFP, which states that proposed uses should not cause interruption, obstruction, noise or disturbance to other permittees at Pier 40, Park users and residents of the surrounding community. Additionally, any proposed use must meet the goals of the RFP including generating sufficient revenue to support the Park.*
- 21. Will HRPT consider proposals for water taxi or ferry service at Pier 40?**  
A. *Refer to RFP Section IV-A- Permitted Uses. Any proposed use must meet the goals of the RFP including generating sufficient revenue to support the Park, not cause interruption, obstruction, noise, or disturbance to other permittees at Pier 40, Park users and residents of the surrounding community.*
- 22. Will HRPT consider proposals for the movement of small packages through Pier 40?**

- A. *This use should work in coordination with other uses proposed at the Premises, as per Section IV-A- Permitted Uses. The adjacent Route 9A is one of the most congested bike lanes in America. It is not a commercial corridor for electric bikes and so any proposal should be mindful of maintaining bikeway and pedestrian safety.*
- 23. Will HRPT consider proposals for passenger amenities (shelter, food, and beverages) at Pier 40?**
- A. *As noted in RFP Section IV-A- Permitted Uses, ancillary functions to the proposed uses are allowed but a dining area serving food and beverage at Pier 40 would not be considered ancillary use.*
- 24. Will HRPT consider proposals for dockside dining at Pier 40?**
- A. *Yes.*
- 25. We are considering the benefits of offering bike rentals from an affiliated company (with almost two decades of experience in the bike rental business) at or near Pier 40. It is our intent to work with the Trust regarding the specific terms and logistics for any such rentals should we receive the permit for Marine Operations at Pier 40.**
- a. is this such an arrangement something you would consider?**
- A. *See Section IV-A- Permitted Uses. The goal of this RFP is to provide marine uses at Pier 40 and not bike docking stations and rentals. If the bike rental is related to marine operations at Pier 40, then the Trust would review the proposal similar to any other proposal that is submitted pursuant to this RFP.*
- b. To your knowledge, are there any legal, contractual, or policy considerations that would be an impediment to our affiliate offering such ancillary services?**
- A. *As with any proposal, the Trust would need to review the proposed uses in light of other uses in the Park. For instance, the location where the bike rentals would be proposed must not extend beyond the Premises offered and must not interfere with pedestrian or vehicular circulation in and around Pier 40.*
- 26. Can you please distinguish between or provide definitions for uses that are listed as nightclubs, floating bars, excursion or day trips?**
- A. *The Trust's selection will be guided by reviewing proposals that meet the criteria set forth in the RFP, including uses that are compatible with existing uses in Hudson River Park and the character of the adjacent neighborhood. Please refer to Section IV-A- Permitted Uses. Individual proposals will be evaluated on a case-by-case basis.*
- 27. Is it optional for the Permittee to assume one or more of the Interior Spaces? If so, where in the submission does the proposer set forth its position regarding the Interior Spaces?**
- A. *Yes. Refer to RFP Section VII-5- Submission Requirements.*
- 28. There is nothing in the Appendix 5 templates regarding fees for the Additional Spaces. Is their use encompassed within the proposed fees for Premises A and B?**
- A. *We have updated Appendix 5 to incorporate the fee for optional Interior Spaces offered. Please see RFP #L2401 Addendum No. 1 posted on our website at the link: <https://hudsonriverpark.org/about-us/work-with-us/bids-and-business-opportunities/>*
- 29. If two different bidders are awarded Premises A and Premises B respectively, and each wants some or all of the Interior Spaces, how does the Trust propose to allocate the Interior Spaces?**

A. *Interior Spaces will be allocated to multiple permittees, if required, at the Trust's discretion depending on the specifics of the proposals and uses offered as part of the negotiation process.*

**30. The Interior Spaces are presently cluttered with chattels which belong to the current Permittee, Sub-Permittees, or parties unknown. Does the Trust propose to deliver these spaces to the new Permittee "broom clean"? Who bears the economic burden of clearing out these spaces?**

A. *Yes. The Trust will deliver a clean space.*

**31. What are the current uses and future plans for the Pier 40 south apron?**

A. *Refer to the RFP Section II- Background.*

**32. Will a proposal that includes proposed uses outside of the premises offered (i.e. the south side of Pier 40) disqualify a respondent's proposal?**

A. *The south side of Pier 40 is not being offered as part of this RFP. A proposal for the south side of Pier 40 would be considered non-responsive.*

**33. To avoid potential disqualification for including proposed uses outside of the premises offered, should a respondent identify a base proposal confined to the premises offered and an addendum with additional terms for uses outside of the premises offered (i.e. alternate proposals)?**

A. *See response to Q. 32 above. Only proposals regarding the Premises offered in this RFP will be considered as part of the RFP process.*

**34. To avoid potential disqualification for including proposed uses outside of the premises offered, should a respondent submit one proposal confined to the premises offered and a separate proposal including uses outside of the premises offered (i.e. two separate proposals)?**

A. *See response to Qs. 32 and 33.*

**35. Do existing regulations or planning documents, including the Hudson River Park Estuarine Sanctuary Management Plan, the Hudson river park concept & financial plan, dated May, 1995, as modified in the May 20, 1998 final environmental impact statement (the GPP), the Hudson River Park Act, the previously issued NYS DEC permit under Article 15 of the ECL Protection of Waters, and Water Quality Certification under Section 401 of the Clean Water Act, the previously issued U.S. Army Corps of Engineers (USACE) permits under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act for construction of the Park piers within the Hudson River or the 1999 waterfront certification by the chairperson of the City Planning Commission, exclude the use of the south side of Pier 40?**

A. *The south side of Pier 40 is not being offered as part of this RFP as specified in the responses to Qs. 32-34 above.*

**36. If such existing regulations or planning documents do exclude the use of the south side of Pier 40, would the Trust consider modifications that would allow it?**

A. *See response above to Q. 35.*

**37. Are there incident reports (insurance claims, criminal activity, and facility maintenance) for the past one, two or three years?**

A. *In addition to these Premises, Pier 40 houses playing fields, community organizations, Trust offices, and a large parking garage. Each year, there are a few claims of minor injuries to*

*persons or personal property that are filed with insurance carriers and at times NYPD has been called to investigate a complaint.*

**38. Have there been any community issues related to the Pier 40 operations?**

*A. On occasion, there have been complaints about loud music from vessels.*

**39. Is vehicular traffic management the Permittee's responsibility?**

*A. Yes, for traffic related to the Permittee's use and in coordination with the Trust.*

**40. Who is required to provide garbage pickup for the athletic fields and all other activities at Pier 40?**

*A. The entities holding the permits for other activities at Pier 40 are responsible for garbage removal for their premises and the Trust is responsible for areas operated by the Trust.*

**41. Is there a current bathymetric survey available for the berthing areas? Is there historical data available?**

*A. There is not a recent survey, however, historical data is available from 2002. See RFP Appendix 1- Exhibit B.*

**42. Is the Permittee responsible for Pier 40 surface repairs (sidewalks, paving and other surfaces)?**

*A. Surface repairs to the Pier 40 Common Area caused by general wear and tear is the Trust's responsibility. If any damage is caused by the Permittee it must be repaired by Permittee. See Appendix 6-14 for maintenance details.*

**43. Is the Permittee responsible for structural repairs (piles, pier deck, bulkheads, and relieving platforms) at Pier 40?**

*A. Permittee is responsible for structural repairs of infrastructure that it installed. For existing infrastructure, Permittee is responsible if it causes damage.*

**44. We have the following questions regarding the boats being docked at Pier 40 for each of the past ten (10) years:**

**a. How many boats have been docked at Pier 40 for each of the past 10 years?**

**b. What is the aggregate number of passengers served for each such year?**

**c. How many passengers per trip, for each such year?**

*A. The number of boats docked has varied over time. Trust does not request or maintain passenger records.*

**45. Are all vessels, such as historic vessels, subject to the mooring limit of six months?**

*A. Under the 2013 Amendment to the Hudson River Park Act, a barge used as part of a cultural, educational, historic or other public program may only be moored or docked for up to six months per year at any location in the Park. This does not apply to other types of vessels such as historic vessels; however, any mooring must also comply with all environmental laws and regulations that may change during the term of the occupancy.*

**46. Insurance Questions**

*A. Several very specific questions were asked related to insurance but were not clear and appear to be vendor-specific and thus are not responded to here. The individual sending the questions may wish to reach out to its individual broker for advice.*