

**REQUEST FOR
PROPOSAL(RFP)**

**LEASING AND OPERATION OF THE
BICENTENNIAL TOWER/DOBBINS LANDING,
ERIE PA**

11/12/2021



Erie-Western Pennsylvania Port
Authority
1 Holland Street
Erie PA 16507
(814) 455-7557

Table of Contents

Page

REQUEST FOR QUALIFICATIONS SUMMARY	3
GENERAL INFORMATION	4
BACKGROUND AND RESPONSIBILITIES.....	4
PROJECT DESCRIPTION	5
1.1 LOCATION.....	5
1.2 USE.....	5
1.3 LEASEHOLD DESCRIPTION.....	5
1.4 LEASE AGREEMENT	6
1.5 LEASE TERM.....	6
1.6 LEASE RATE.....	6
1.7 RENTAL CONCESSION	6
1.8 CONDITION OF SPACE	6
1.9 IMPROVEMENTS	6
1.10 STATEMENT OF RIGHTS AND UNDERSTANDING	6
1.11 INDEMNIFICATION AND INSURANCE	7
1.12 INDEPENDENT CONTRACTOR.....	7
1.13 PROPOSAL EVALUATION.....	7
1.14 EVALUATION CRITERIA.....	7
1.15 CONTACT.....	8
1.16 SCHEDULE OF EVENTS.....	8
1.17 PROPOSAL INSTRUCTIONS.....	8
1.18 PROPOSAL REQUIREMENTS.....	9
Part 1 – Organization Information (Exhibit A).....	9
Part 2 – Project Experience or Organizational History (Exhibit A).....	9
Part 3 – Narrative of Proposal	9
1.19 QUESTIONS, INQUIRIES, AND AMENDMENTS REGARDING THIS RFP	9
1.20 PROPOSING FIRMS TO FULLY INFORM THEMSELVES	9
1.21 RIGHT OF REJECTION	9
1.22 MODIFICATION AND WITHDRAWAL OF PROPOSAL.....	10
1.23 PROPOSALS TO REMAIN OPEN SUBJECT TO ACCEPTANCE.....	10
1.24 COST OF PROPOSALS.....	10
EXHIBIT A – PROPOSAL SUBMISSION FORM.....	11
EXHIBIT B – EXISTING FLOOR PLAN OF BUILDING	13
EXHIBIT C – EXISTING FLOOR PLAN OF EXTERIOR.....	14

REQUEST FOR QUALIFICATIONS SUMMARY

PROJECT: LEASING AND OPERATION OF THE BICENTENNIAL TOWER/DOBBINS LANDING

The Erie-Western Pennsylvania Port Authority (Authority) will receive sealed proposals, for the Leasing and Operation of the Bicentennial Tower/Dobbins Landing in Erie, Pennsylvania.

This Request for Proposal (“RFP”) is issued to provide the selection process for the leasing of space on Dobbins Landing and operations of the Bicentennial Tower (The Tower). Firms submitting a response to the RFP will be asked, at a minimum, to state their understanding/ experience of the project and offer their methodology and capacity for meeting the criteria noted in this RFP. In addition, a rent/fee proposal for the work as outlined in this RFP shall be submitted. The shortlisted finalists may then be requested to participate in an interview.

The Authority will receive sealed bids until 3:00 p.m., local time on Thursday, January 6, 2022 at 1 Holland Street, Erie PA 16507. Proposals received after this date and time will not be accepted. Proposals will be publicly opened with portions read aloud.

Bidders may submit questions in writing only before 3:00 pm on Monday January 3, 2022. The Authority will not respond to questions submitted after that time.

Documents are available in pdf format and may be 1) downloaded from the Authority’s website www.porterie.org or by scheduling an appointment with the Authority. For additional information call (814) 455-7557. The Authority reserves the right to reject any or all bids.

GENERAL INFORMATION

This Request for Proposal (“RFP”) is issued to provide the selection process for the leasing of space and operation of the Bicentennial Tower (The Tower) and adjoining land on Dobbins Landing, Erie PA. Firms submitting a response to the RFP will be asked at a minimum to 1) state their understanding/experience of the project, 2) offer their methodology and capacity for meeting the criteria noted in this RFP and 3) include a fee/rent proposal for the work as outlined in this RFP. The shortlisted finalists may be requested to participate in an interview. Anticipated start date for this lease will be April 1, 2022.

BACKGROUND AND RESPONSIBILITIES

At 25 years old, the Bicentennial Tower is an observation tower, located in Erie, Pennsylvania featuring panoramic views of Lake Erie, Presque Isle State Park, and downtown Erie. The tower was built to signify the city's bicentennial year 1996. Located at the end of State Street on Dobbins Landing, the Tower is 187 feet (57 m) tall and has 2 observation decks.

The Authority is seeking, through this RFP process, a private partner to operate the Bicentennial Tower as well as bring additional activity to Dobbins Landing. Additional points will be awarded for scheduled activity outside of the Memorial Day through Labor Day time period. In 2018, the Authority completed its Master Development and Facilities Plan (found at www.porterie.org). This plan identified the need, in Phase 1, to create a casual collection of restaurants and retail uses in the area contained within the anticipated leased area noted in Exhibit B and C of this RFP. The Authority is looking for creative ideas to begin to implement the Master Plan in advance of physical infrastructure improvements which have yet to be planned or designed.

At a current rate of \$6.00 per adult aged 13+, \$2.00 per child 6-12 and free admission for children under 6; the top observation deck has welcomed, over the past five years, an average of approximately 21,750 paid visitors and 3,500 visitors who have taken advantage of the free public days. (COVID year excluded from these numbers). The attendance this past year was roughly 23,500 paid visits and 2,500 free visitors.

It will be the responsibility of the Respondent to manage the Tower and adjacent exterior space as defined in Exhibits B and C on behalf of the Authority. These responsibilities will include but not be limited to the following:

- Cost of all utilities for the leased premise including billing users of the water submeter (currently only the Victorian Princess)
- The restroom are required, at a minimum, to be open to the general public at the same schedule as reflected in Section 1.2 below
- Daily maintenance including but not limited to janitorial services, stocking of the public restroom, trash removal, window washing and minor maintenance items such as changing lightbulbs, painting, HVAC filters & service, etc.
- Properly staffing the leased premises
- Providing the Authority with a quarterly report of paid and unpaid visitors to the top of the Tower as well as trends, successes and challenges the Respondent faced in the previous quarter

- Operation and representation of the facility in a professional, customer service-oriented manner showcasing the community, Authority and Respondent in the best manner

It will be the responsibility of the Authority to:

- Conduct annual inspections and maintenance of the elevator, fire extinguishers, back flow preventers and sprinkler system
- Perform any “capital” maintenance item. Capital for this purpose is defined as work having a single cost in excess of \$2,500.00
- Maintain and change the exterior Tower lighting colors based upon season or request
- Inform the Respondent of dates in which the Tower may need to be closed. Historically this has occurred annually on July 3rd due to the City of Erie fireworks display as well as one (1) or two (2) other firework dates related to other events. Of note in 2022 is the return of Tall Ships in August.

PROJECT DESCRIPTION

1.1 LOCATION

The Project is located on Dobbins Landing, City of Erie, Erie County PA. Dobbins Landing, formerly known as the Public Dock, is physically located at the foot of State Street.

1.2 USE

a. The successful individual, corporation or organization (Respondent) shall be responsible for the full operation of the Bicentennial Tower with minimum hours of operation as follows:

Memorial Day thru Labor Day	10am to 9pm	7 days a week
Remainder of May and September	10am to 6pm	7 days a week
October 1 thru April 30	11am to sunset	Weekends

The Authority reserves the right to review and approve the Respondent’s ticket pricing schedule. The Respondent will be required to provide free access to the top of the tower a minimum of one full day per month which must be listed in any/all advertising.

b. The remainder of the available lease space shall be filled with community-oriented retail uses offering the public quality, product diversity, service and value. The exterior lease area which is currently occupied by parking spaces shall not, at any time during the term of the lease, be utilized as parking.

c. The Authority reserves the right to, at no cost, have full use of the Tower at a frequency of not more than three (3) times per year. In addition, the Authority reserves the right to provide up to 100 free passes to the top of the tower on an annual basis for business purposes.

1.3 LEASEHOLD DESCRIPTION

Up to approximately 1,870 sq. ft. interior space on the first floor which currently include a sales area, seating area and public restrooms.

Up to approximately 600 sq.ft interior space at the top of the tower with an additional 5-foot exterior observation deck.

A minimum of approximately 4,500 sq ft of exterior space on Dobbins Landing. This space includes the area currently utilized for parking between the tower and the staircase to the north.

The leased area does not include the top of the deck or the staircase leading to the top of deck. The Authority *may* expand the exterior leased area should the Respondent provide a compelling reason.

1.4 *LEASE AGREEMENT*

Lease Agreement to be prepared by the Authority.

1.5 *LEASE TERM*

The initial term of the Lease will be one year. The Authority is open to consider a longer initial term based upon the level of investment required to execute the Respondent's vision.

1.6 *LEASE RATE*

The Respondent shall specify the monthly Rental Amount to be provided to the Authority in their proposal. The final rental amount will be determined by the outcome of the competitive RFP process and negotiated prior to the execution of a Lease Agreement.

1.7 *RENTAL CONCESSION*

The Authority does not have available Improvement funds to offer the Respondent at this time. However, depending on the level of capital improvement proposed by the selected Tenant and proposed project described in the response, rent credit/rental relief may be considered. From time to time, the Authority may have access to grants which may benefit the Respondent. The Authority is willing to pursue those grant opportunities in partnership with the Respondent, however the Respondent will be required to commit to any grant match requirements.

1.8 *CONDITION OF SPACE*

Interior space currently consists of approximately a total of 2,470 sq ft. This space is currently built out as restroom facilities, seating and vending area. In addition, this space includes the elevator and interior observation deck at the top of the Tower. The interior of the Tower is fully serviced by electric, natural gas, water and sewer utilities.

Exterior space consists of approximately 4,500 sq. ft. and has access to electric, natural gas and water utilities.

1.9 *IMPROVEMENTS*

It should be noted that all equipment in the current vendor space is owned by the current leasee and will not be available for use by the Respondent.

1.10 *STATEMENT OF RIGHTS AND UNDERSTANDING*

The Authority reserves, and may in its sole discretion, exercise the following rights and options with respect to this Request for Proposals (RFP)

- a. To accept, reject or negotiate modifications to any and all proposals as it shall, in its sole discretion, deem to be in its best interest; submission of an RFP does not bind the Authority to any action or to any party. Submissions do not create or assume any relationship, agency or obligation by the Authority, its officers or employees.
- b. To issue additional solicitations for proposals and/or addenda to the RFP.
- c. To award the Lease to a Respondent the Authority has determined to be most responsive, who has submitted a complete proposal which meets the specifications and requirements which are deemed by the Authority most advantageous to and in the best interest of the Community.

- d. To negotiate with any one or more of the respondents.
- e. To waive any irregularities in any proposal.
- f. To select any proposal as the basis for negotiations or a Lease Agreement, and to negotiate with respondents for amendment or other modifications to their proposals.
- g. To conduct investigations with respect to the qualification of each respondent; to obtain additional information deemed necessary to determine the ability of the respondent to carry out the obligations of the Lease. This includes information needed to evaluate the experience and financial capability of the respondent.

1.11 *INDEMNIFICATION AND INSURANCE*

Respondent shall procure and maintain at the Respondent's own expense for the duration of the agreement, the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the possession, occupancy, operation and use of the Premises by Respondent, Respondent's agents, representatives, employees or subcontractors.

- Comprehensive/Commercial General Liability of not less than \$1,000,000 per occurrence and \$2,000,000 in aggregate.
- Workers' Compensation and Employer's Liability of not less than \$1,000,000 per accident.
- Property insurance against all risks of loss to the leased premises as well as any tenant improvements and personal property at full replacement cost with no coinsurance penalty provision.
- Insurance certificates naming the Authority as additional insured will be required prior to occupancy, but not required as part of this submittal.
- To the fullest extent permitted by applicable state law, a Waiver of Subrogation Clause shall be added to the General Liability, Automobile, Umbrella and Workers Compensation policies in favor of "Owner", and this clause shall apply to "Owner's" officers, agents and employees, with respect to all projects during the policy term.

1.12 *INDEPENDENT CONTRACTOR*

The Respondent, in the performance of the Lease Agreement, will be acting in an independent capacity and not as agents, employees, partners, or joint ventures of the Authority.

1.13 *PROPOSAL EVALUATION*

An Evaluation Committee will review all proposals. Respondents who submit a proposal in response to this RFP may be required to give an oral presentation to the Committee and/or Authority Board of Directors. This will provide an opportunity for the Respondent to clarify or elaborate on the proposal. The Authority will award the Lease based on the proposal that best meets the Authority's requirements outlined in this RFP, would provide the best service to the community, and would provide the greatest return to the Authority.

1.14 *EVALUATION CRITERIA*

The following criteria, not necessarily listed in order of importance, will be used to evaluate proposals. The Authority reserves the right to weigh its evaluation criteria in any manner it deems appropriate.

- Thoroughness and completeness of proposal; responsiveness to RFP requirements.

- The scope, extent, applicability and quality of proposer’s experience.
- Financial resources, history and references of the proponents as well as the feasibility of the proposal.
- Compatibility of proposed operation with the surrounding uses and local community.

1.15 CONTACT

Brenda A. Sandberg, Executive Director
 Erie-Western PA Port Authority
 1 Holland Street, Erie PA 16501
 (814) 455-7557
Info@porterie.org

Notice: Other than the individual listed above, direct contact with the Authority, the Board, or other related parties, may cause the Respondent’s removal from the RFP process.

1.16 SCHEDULE OF EVENTS

The anticipated schedule below outlines milestones for the project, please note all times below are local (Eastern Standard) time. These dates are subject to change at the discretion of the Authority.

DATE	TIME	EVENT
November 15, 2021		RFP Issued
December 6, 2021	11:00 AM	Non-mandatory site visit
January 3, 2022	3:00 PM	Deadline for receipt of questions and inquiries
January 4, 2022	Noon	Final responses to questions
January 6, 2022	3:00 PM	Deadline for submission of proposals from candidates
January 13, 2022		Notification to short-listed candidates
February 9, 2022		Authority Approval of Selected Candidate
February 23, 2022		Authority Board Approval of Lease Agreement

1.17 PROPOSAL INSTRUCTIONS

The Authority is looking to base their decision on qualifications of the proposing firms.

- **Submit a single electronic PDF file on a thumb drive of your proposal AND one paper copy by the submittal date/time aforementioned.** Oral, telephonic, email, or faxed proposals are invalid and will be considered as non-responsive.
- No Respondent may submit more than one proposal. Multiple submissions under different names will not be accepted from one individual, firm, Joint Venture, organization or association.
- Each Respondent must comply with the submission requirements as outlined. Submittals that fail to comply with the requirements as specified may be

deemed non-responsive and such determination will result in no further consideration of that respondent or the respondent's submittals by the Authority. At any stage, the Authority reserves the right to terminate, suspend or modify this selection process; reject any or all submittals at any time for any reason; and waive any informalities, irregularities or omissions in submittals, as the best interests of the Authority may require.

1.18 *PROPOSAL REQUIREMENTS*

Proposals must include, but are not limited to, the following items:

1. Brief cover letter expressing interest and summary of proposal.
2. Proposal form (Exhibit A)

Part 1 – Organization Information Respondent/Owner and other references (including telephone numbers and email), please include relevant project team members.

Part 2 – Project Experience or Organizational History

3. Narrative of Proposal and Drawings as applicable

1.19 *QUESTIONS, INQUIRIES, AND AMENDMENTS REGARDING THIS RFP*

Questions and inquiries regarding the RFP should be directed to the Executive Director listed above by the date aforementioned. The Authority will issue a response to all questions by email and posting on the Authority's website. Questions should not be submitted to any other parties; doing so will cause this candidate's removal from the RFP process.

1.20 *PROPOSING FIRMS TO FULLY INFORM THEMSELVES*

Respondents are required to fully inform themselves of all project conditions which may impact their proposal and the Authority's requirements prior to submitting a proposal. Respondents should become acquainted with the nature and extent of the services to be undertaken and make all necessary examinations, investigations and inspections prior to submitting a proposal.

If requested in advance, the Authority will make every attempt to provide the Respondent additional access to the site to conduct such examinations as each Respondent deems necessary for submission of a proposal.

The Respondent is to consider federal, state and local Laws and Regulations that may affect cost, progress, performance or furnishing of the Work. The Authority will not consider any claims arising from failure to take such actions.

If a satisfactory agreement with the selected Respondent cannot be reached, at a price that is determined to be fair and reasonable, negotiations with that Respondent shall be formally terminated. Negotiations with the second ranked Respondent may then be initiated. Failing accord with the second ranked Respondent, the Authority shall formally terminate negotiations and may then undertake negotiations with the third ranked Respondent or re-issue the RFP at their discretion.

The Authority will have sole determination of which proposal is in the Authority's best interest.

1.21 *RIGHT OF REJECTION*

The Authority reserves the right to accept or reject any or all responses to this RFP and to enter into discussions and/or negotiations with one or more qualified Respondents, if such action is in the best interest of the Authority. The Authority has the right, in its sole and absolute discretion, to select the proposal or proposals that the Authority determines best meets its

needs.

1.22 MODIFICATION AND WITHDRAWAL OF PROPOSAL

Withdrawn proposals may be resubmitted up to the time designated for the receipt of proposals due date/time provided that they are then fully in conformance with the RFP.

If, within twenty-four (24) hours after proposals are opened, any Respondent that provides written notice to the Authority and promptly thereafter demonstrates to the reasonable satisfaction of Authority that there was a material and substantial mistake in the preparation of its proposal, that Respondent may withdraw its proposal. Thereafter, the Respondent will be disqualified from further submissions under this Request for Proposal.

1.23 PROPOSALS TO REMAIN OPEN SUBJECT TO ACCEPTANCE

All proposals shall remain open for sixty (60) days after the day of the proposal opening, however the Authority may, in its sole discretion release any proposal prior to that date.

1.24 COST OF PROPOSALS

Expenses incurred in the preparation of proposals in response to this RFP are the Proposing Firm's sole responsibility. The Authority assumes no responsibility for payment of any expenses incurred by any Proposing Firm as part of the RFP process.

EXHIBIT A – PROPOSAL SUBMISSION FORM

EXHIBIT B – EXISTING FLOOR PLAN OF BUILDING

EXHIBIT C – FLOOR PLAN OF EXTERIOR SPACE

EXHIBIT A
PROPOSAL SUBMISSION FORM:

In filling out this Proposal Submission Form respondent may: (1) replicate this format, or (2) utilize this format and fill in the appropriate information, attaching extra pages when additional space is needed. If replicated, the respondent assumes all responsibility for ensuring that all sections and wording are replicated, and all requested information is provided utilizing the required format.

Section I. COMPANY NAME AS SUBMITTED TO IRS:

1. Company Name Submitted to IRS: _____
2. Form of Organization: Individual , Corporation , Partnership
Other _____ (explain: _____)
3. If Corporation, please complete the following: Organized under the Laws of: _____
4. Authorized Representative Name and Title: _____
5. Address of Company: _____
6. City / State / Zip Code: _____
7. Telephone Number and Fax Number: _____
8. Email address and website: _____

Section II. REFERENCES

Industry References

Please provide at least two industry references that can furnish the Authority information regarding organization or individual's experience. Include contact names and phone numbers. This information will be used to evaluate each Tenant's history.

1. Contact Name: _____ Telephone #: _____
Brief Description of Relationship: _____
2. Contact Name: _____ Telephone #: _____
Brief Description of Relationship: _____

Credit/Bank References

Please provide at least two bank, lender or other financial institution references that can furnish the Authority with information regarding organizations or individual's accounts and credit history. Include contact names and phone numbers.

1. Contact Name: _____ Telephone #: _____
- Brief Description of Relationship: _____

2. Contact Name: _____ Telephone #: _____
Brief Description of Relationship: _____

Landlord References

Please provide at least two recent landlord references (including current landlord if leasing). Include contact names, phone numbers and address of property leased.

1. Contact Name: _____ Telephone #: _____
Address of Property Leased: _____

2. Contact Name: _____ Telephone #: _____
Address of Property Leased: _____

Section III. SUBMISSION REQUIREMENTS

A) Statement of Interest: this letter should provide a statement of interest highlighting the Respondent's qualifications, experience, and its understanding of the elements of this opportunity.

B) Experience: Provide a detailed history and description of the Respondent's experience including specific role and accomplishments, dates, size, type of operation, type of tenant improvement. Company brochure, annual report, photographs of existing retail locations, or similar material, if available.

C) Concept and Operation: Provide a detailed description of the type of operation you propose including hours of operation and items to be sold. If possible, please include a proposed design rendering and/or floor plan illustrating your concept.

D) Proposed Rent and Term: The tenant shall be expected to pay a rental fee to be specified in the proposal. Please describe in detail the proposed lease rate and requested length of term for the proposed operation.

E) Improvements, Estimated Capital Investment and Source of Funding: Provide a description including estimated amount of all proposed physical improvements, equipment and other investments you intend to make, and the time frame for making those improvements.

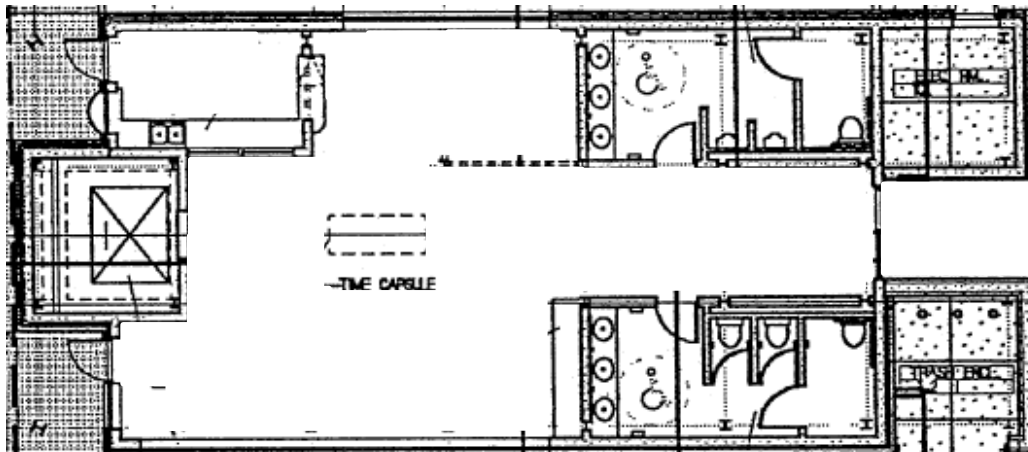
F) Financial Capability: (THIS ITEM TO BE SUBMITTED CONFIDENTIALLY UNDER SEPARATE COVER MARKED CONFIDENTIAL) Present evidence that the Respondent has the financial capability to carry out the proposed commitments. Evidence may include complete financial statement, audited, if possible, for the last completed fiscal year; detailed financial resume/balance sheet of principal participant(s) listing all income, expenses and assets including partial ownership interest in and income from any partially owned assets and list direct and contingent liabilities. This information will assist the Authority to determine if Respondent retains the financial resources to carry out the operation as well as provide a guarantee of lease.

G) Please provide any comments and/or additional suggestion for consideration by the Authority.

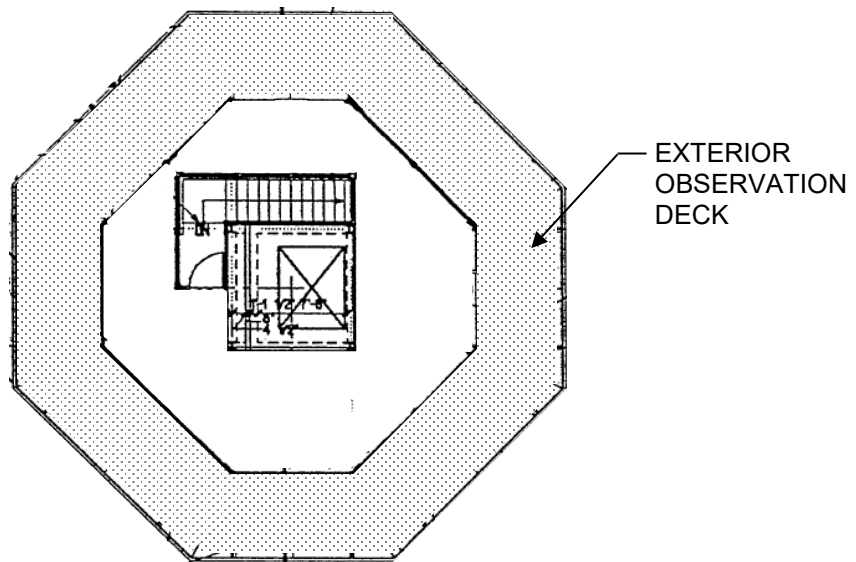
Proposals may be delivered by mail or by hand to:

**Erie-Western PA Port Authority
Attn: RFP – Bicentennial Tower - Lease
1 Holland Street
Erie PA 16507**

EXHIBIT B
EXISTING FLOOR PLAN OF BUILDING

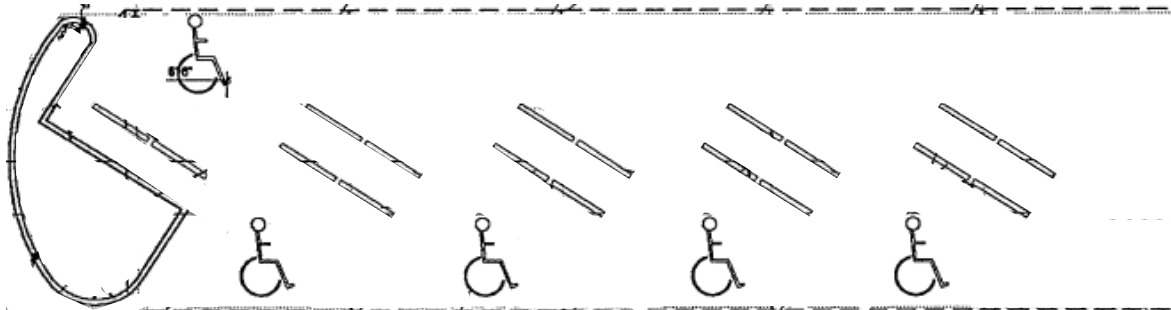


GROUND FLOOR



THIRD FLOOR
OBSERVATION DECK

EXHIBIT C EXISTING GROUND FLOOR – EXTERIOR SPACE



UNDER SECOND LEVEL
OBSERVATION DECK