

**New York State Thruway Authority  
RFP #18C15**

Design, Construction, Financing, Operation and  
Maintenance of 27 Service Areas on the New York State Thruway

February 25, 2019

**ADDENDUM NO. 6**

Notice is hereby given that the following Addendum No. 6 shall be made part of RFP #18C15 issued by the Authority on October 15, 2018 as amended by Addendum No. 1 dated November 8, 2018, Addendum No. 2 dated December 21, 2018, Addendum No. 3 dated December 27, 2018, Addendum No. 4 dated January 25, 2019 and Addendum No 5 dated January 29, 2019 (the "RFP").

Each Proposer shall acknowledge receipt of this Addendum No.6 in the cover letter submitted as part of their Proposal.

Addendum No.6 consists of the following changes to the RFP:

**NOTE:**            **Material to be deleted is in [—]; material to be added is in bold and underlined.**

**Change No. 1: RFP Section 2.2.1 B. Operations, Food Service and Staffing is hereby changed as follows:**

**B. Operations, Food Service and Staffing**

1. The Operator shall operate the Service Areas in a manner that continuously meets the preferences of the traveling public, at the highest possible industry levels;
2. Each Service Area, except for "Level 1" Service Areas or equivalent design (as described in Exhibit 5), shall at all times have a trained, qualified and experienced manager on-site to respond quickly and decisively in all matters affecting the operation of the premises;
3. The Operator shall provide sufficient levels of trained and qualified personnel or subcontractors that may be needed 24/7/365 to perform all of the food & beverage, retail, janitorial, snow removal, ice control, site landscaping, building and site repair, environmental services, and any other tasks that may be needed for the proper and successful operation of the Service Areas;
4. The Operator shall provide Common Area Maintenance ("**CAM**") staff at every Service Area whose sole responsibility is to maintain the cleanliness, appearance, amenities and conveniences in all customer areas including, but not limited to, restrooms, lobbies, dining areas, concept front counter areas, gift shops, vending areas, vestibules, landscaping, patios, sidewalks, curbs, car parking areas, truck parking areas, playgrounds, picnic areas, and pet areas, if applicable, to the site;

5. The Operator shall have, at a minimum, three (3) CAM staff working at each Service Area, except “Level 1” Service Areas or equivalent design (as described in Exhibit 5), 7 days per week between the hours of 6:00 AM and 10:00 PM, and two (2) CAM Staff working between the hours of 10:00 PM and 6:00 AM, unless a Service Area is closed for construction. For “Level 1” Service Areas or equivalent, a minimum of one (1) CAM staff shall be staffed 24 hours per day, 7 days per week, 365 days a year, unless a Service Area is closed for construction. On holidays and the busier travel days that surround them, the Operator shall have a minimum of one (1) additional CAM person staffed at each Service Area. Those days include, but are not limited to: Memorial Day, Independence Day, Labor Day, Columbus Day and Thanksgiving Day;
6. Prices charged for food and beverages shall be based on surveys of similar food and beverage offerings in near-by off-road locations approved by the Authority. Prices charged for all food and beverage items shall be set no more than 10% above the survey average for such items, as referenced in Appendix B, Key Terms of Lease Agreement;
7. Each Service Area shall remain open 24 hours per day, 7 days per week with access to restrooms, lobbies, dining areas, ATM’s and vending, if applicable;
8. Each Service Area shall remain open 24 hours per day, 7 days per week with at least one (1) food service concept that offers continuous hot and cold food and beverage options, candy, snacks, healthful options and bottled beverages; other than at “Level 1” Service Areas or equivalent design (as described in Exhibit 5);
9. Service Areas shall provide a wide variety of food and beverage options, including an array of healthful food options; ~~and~~
10. Service Areas shall offer NYS Department of Agriculture and Markets approved Taste NY products for sale at Service Areas, except at “Level 1” Service Areas or equivalent design (as described in Exhibit 5). All Taste NY food and beverages must be grown, produced or processed in New York State and may not be a nationally recognized brand. Any exceptions to this must be approved by the NYS Department of Agriculture and Markets. For “Level 2A and 2B” Service Areas or equivalent design (as described in Exhibit 5), the Operator shall dedicate a minimum of 500 square feet of space for the sale of these products through shelf stable dry goods and open air coolers for grab and go beverages and other food items. At “Level 3” Service Areas or equivalent design (as described in Exhibit 5), the Operator shall dedicate a minimum of 1000 square feet of space for the sale of these products through shelf stable dry goods, open-air coolers for grab and go beverages, salads, soups, sandwiches and more. Everything placed inside or under Taste NY space must comply with these guidelines; **and**

**11. Consistent with Chapter 693 of the Laws of 1992, as amended by Chapter 532 of the Laws of 2010, and regulated by 18 NYCRR 729, all Proposers must comply with the requirements set forth herein in recognition of the New York State Commission for the Blind (the “Commission”) Business Enterprise Program (“BEP”) priority to facilitate and maximize blind participation in and derive financial benefits from the operation of food, beverage and other vending in New York State. To extend opportunities for New Yorkers who are blind to participate in and derive financial benefits from vending opportunities created or promoted by the Authority, the**

Operator shall work with the Commission to facilitate and maximize participation by BEP licensed vendors in the operation of the self-serve vending proposed by the Operator at the Service Areas.

The Operator agrees to recognize that priority be given the Commission in the operation of the food, beverage and other self-serve vending machines proposed by the Operator. This priority requires the Operator to: (1) first offer operation of the food, beverage and other self-serve vending machines proposed by the Operator to the BEP before assuming operation or subcontracting with non-licensed entities; and (2) provide the BEP with space to operate such vending machines at no charge, i.e., no rent or utility charge. Further, for clarity, food, beverage and other self-serve vending machines include “coin, currency, charge-card, fingerprint, voiceprint, number combination or related system with which to operate the machine.”

To the extent the Commission provides for vending machines through the BEP, such vendors shall be responsible for providing, and maintaining and cleaning, all vending equipment and stocking the contents of such. In the event the Commission determines at any time during the Term that it will not provide for operation of some or all of the proposed food, beverage and other self-serve vending machines through the BEP, the Operator shall be responsible for the proposed food, beverage and other self-serve vending machines that are not provided through the BEP.

**Change No. 2: Appendix B, Section 10, Operational Rent is hereby changed as follows:**

#### **Operational Rent**

Commencing on the Opening Date of each Service Area, the Operator will pay the Authority the “Operational Rent” on a monthly basis in an amount equal to a percentage of the Gross Sales (defined below) at the Service Area specified in the Lease Agreement but subject to annual reconciliation to assure that the Authority receives no less than the “Minimum Annual Guaranteed Rent” specified in the Lease Agreement.

For purposes of calculating the Operational Rent, “Gross Sales” shall be amounts generated from the sale of all items and the provision of all services at all of the Service Areas, including, but not limited to, foods, beverages, commodities, merchandise, articles and services, rental of equipment, prepaid product commissions, fees or charges payable by truckers for use of trucker facilities, income derived from ATMs, money order fees and the amounts generated from sales and provision of services of any nature whatsoever at the Service Areas, whether sold for consumption or use on or off the premises, without deduction for cost of merchandise or rentals of any kind whatsoever. Without limiting the foregoing, Gross Sales shall also include income from sales of cigarettes sold in packs and cigarettes sold in cartons above the applicable State minimum price. Gross Sales, however, shall not include amounts generated from retail sales taxes, merchandise deposits (except upon ultimate sale of the merchandise), sale price of returned merchandise, sales of lottery tickets, sales of E-Z Pass Tags, [and] sales of cigarette cartons sold at the applicable State minimum price and amounts generated from food, beverage and other self-serve vending machines operated by the New York State Commission for the Blind (the

**“Commission”) Business Enterprise Program (“BEP”). In the event the Commission determines at any time during the Term that it will not provide for operation of some or all of the proposed food, beverage and other self-serve vending machines through the BEP, the Operator shall be responsible for the proposed food, beverage and other self-serve vending machines that are not provided through the BEP, and amounts generated from such food, beverage and other self-serve vending machines shall be included in Gross Sales.**

The Minimum Annual Guaranteed Rent will be appropriately pro-rated to account for any partial Lease Year during which the Operator’s Operational Rent payment obligations are applicable.