

City of Philadelphia  
Procurement Department

Addendum No. 1  
Concession RFP # C-104-11  
RFP Submittal Date: Dec 17, 2010

Dated: Dec 9, 2010

NOTICE

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It is the sole responsibility of the respondent to ensure it has received any and all addenda and the Procurement Commissioner may in his/her sole discretion reject any RFP for which all addenda have not been executed and returned.

PROPOSAL FOR

Concession RFP for the Operation of Amphibious Tour Vehicles Using the Schuylkill River

BID # C-104-11

IS AMENDED AS FOLLOWS

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To All Potential Bidders:

The purpose of this addendum is to incorporate answers to the written questions submitted prior to Close of Business, Monday December 6, 2010. In accordance with the RFP, the Managing Director's Office (the "MDO") accepted written questions by potential Respondents. This Addendum # 1 incorporates into the RFP material questions submitted to the MDO in writing and the MDO's answer to each question.

**Question # 1:** Is the Concessionaire expected to pay all costs associated with potential improvements necessary for its operations of amphibious vehicle tours in the Schuylkill River?

**MDO Answer:** Yes. The Concessionaire shall pay for all improvements necessary for drives to reach the river, to install all necessary devices to control use of the drives, and to plant trees, shrubs and other vegetation to beautify the area along the drives, control stormwater runoff, and prevent soil erosion. Please see the following provisions of the RFP as well as other provisions of the RFP: Sections 2.2.1; 2.2.8; 2.2.11; 3.3.1; 3.5; and 3.23.

**Question # 2:** Does "all necessary devices to control use of the drives" include the erection of traffic lights by the Concessionaire in and around the Schuylkill River Banks or Martin Luther King Drive? (See RFP Section 1.3.1.)

**MDO Answer:** Depending on the location of the Concessionaire's Access Drive, it may be necessary for the Concessionaire to erect one or more traffic lights. In that case, "all necessary devices to control use of the drives" would include traffic lights.

**Question # 3:** In considering which Respondent to award the Concession to, will the City consider the safety record of each Respondent and the safety of the vehicles each Respondent proposes to use for the amphibious tours?

**MDO Answer:** Yes.

**Question # 4:** Will the City select a Concessionaire prior to the issuance of the National Transportation Safety Board's final report regarding the July 7, 2010, incident involving the collision between the *Caribbean Sea* and *DUKW34* on the Delaware River, Philadelphia, Pennsylvania?

**MDO Answer:** The City does not know when the National Transportation Safety Board ("NSTB") will issue its final report regarding that incident. Therefore, the City may proceed to award the Concession before the NTSB's final report. In that case, in the Concession Agreement the City may require the Concessionaire to adopt additional safety protocols following the release of the NSTB's final report and any accompanying recommendations.

**Question # 5:** Will the Concessionaire be permitted to make noise on City streets, including but not limited to revving engines, using loudspeaker systems or bullhorns, honking horns or ringing bells, and its patrons' use of noise-making devices?

**MDO Answer:** The Concessionaire will be obligated to comply with Applicable Laws, including but not limited to Section 10-400 of the Philadelphia Code, entitled "Noise and Excessive Vibration." See Section 3.3.2 of the RFP.

**Question # 6:** Will the City extend the "Deadline for Submitting Proposals" set forth in the RFP (10:30 AM, Philadelphia local time, December 17, 2010)?

**MDO Answer:** No.

**Question # 7:** May the Concessionaire claim a financial credit against the Concession Fee for part or all of the costs to design, construct, build and maintain the Concessionaire's Facilities (as defined in the RFP)?

**MDO Answer:** No.

**Question # 8:** May the Concessionaire and any of its Related Companies operate amphibious vehicle tours on both the Schuylkill River under the Concession Agreement and the Delaware River in Philadelphia at Penn's Landing?

**MDO Answer:** The Concession to operate amphibious vehicle tours using the Schuylkill River does not preclude the Concessionaire or any of its Related Companies from operating similar tours on the Delaware River, but the operator must obtain all required local, Commonwealth and federal approvals and reach any necessary agreement with the person controlling the land that the operator wants to use to access the Delaware River. Please see Section 6.4.5 of the RFP for the definition of “Related Companies.”

**Question # 9:** Are the Concession Fee, including the Minimum Annual Guaranteed Amount (MAG) and Gross Revenue Percentage Fee applicable to all Related Companies operating in the City of Philadelphia?

**MDO Answer:** The Concession Fee requirements apply to the Concessionaire’s operation of amphibious tours on the Schuylkill River under the Concession Agreement. The Concessionaire may not permit any of its Related Companies to operate the Tours, and may not delegate any of its obligations under the Concession Agreement. Please see Section 4.17 regarding assignment of the Concession Agreement. Also, please see RFP Section 3.21 for the definitions of “Concession Fee,” “MAG,” and “Gross Revenue Percentage Fee.”

**Question # 10:** Must each Respondent detail in its Proposal the location of its tour passenger loading zones?

**MDO Answer:** The Concessionaire shall comply with Applicable Laws, including but not limited to Section 9-407 of the Philadelphia Code, entitled “Tour Passenger Carriers.” In its Proposal, however, a Respondent must only show a reasonable likelihood of obtaining a tour passenger loading zone at some location in the City or must otherwise propose an alternate loading area.

**Question # 11:** Are amphibious vehicle tour operators subject to the City’s amusement tax?

**MDO Answer:** Yes, the City believes so, but the City strongly recommends that each potential Respondent confer with private legal counsel about the Concessionaire’s tax obligations.

**Question # 12:** Will the City accept a Proposal from, or award the Concession to, a Respondent that is involved in litigation against the City?

**MDO Answer:** No. Please see RFP Section 5.4.3.

**ADDENDUM NO. 1  
ACKNOWLEDGEMENT OF RECEIPT  
(Dec 9, 2010)**

**CITY OF PHILADELPHIA  
PROCUREMENT DEPARTMENT**

**CONCESSION RFP FOR THE OPERATION OF AMPHIBIOUS TOUR VEHICLES  
USING THE SCHUYLKILL RIVER  
RFP #C-104-11**

The attached **Addendum Acknowledgement** contains a clear listing of contents of the addendum for total number of pages. I have carefully read the addendum and verified the presence of all attached documents and number of pages in each document. I certify that I have received all pages listed in Addendum Number 1, Concession RFP for the Operation of Amphibious Tour Vehicles Using the Schuylkill River.

**Please sign, date and return this addendum acknowledgement with your proposal, as it now becomes part of your proposal.**

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Name of Company

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Address

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Telephone/Fax

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Signature/Title

**City of Philadelphia  
Procurement Department**

**Addendum No. 2  
Concession RFP # C-104-11  
RFP Submittal Date: Dec 22, 2010**

**Dated: Dec 15, 2010**

**NOTICE**

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**It is the sole responsibility of the Respondent to ensure it has received any and all addenda and the Procurement Commissioner may in his/her sole discretion reject any Proposal for which all addenda have not been executed and returned.**

**RFP**

**Concession for the Operation of Amphibious Vehicle Tours Using the Schuylkill River**

**RFP # C-104-11**

**IS AMENDED AS FOLLOWS**

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To All Potential Respondents:

The RFP submittal date of December 17, 2010, at 10:30 AM has been postponed. The new RFP submittal date is scheduled for December 22, 2010, at 10:30 AM.

**Please sign, date and return this addendum acknowledgement with your proposal, as it now becomes part of your proposal.**

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Name of Company

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Address

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Telephone/Fax

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Signature/Title