

## REQUEST FOR EXPRESSIONS OF INTEREST (RFEI) FROM INTERESTED PARTIES REGARDING A FUTURE OPPORTUNITY FOR

#### WAGNER PARK PAVILION OPERATIONS

**DATED: OCTOBER 4, 2023** 

RFEI RESPONSES DUE: NOVEMBER 17, 2023

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#### I. INTRODUCTION

As part of the South Battery Park City Resiliency ("SBPCR") Project, Battery Park City Authority, d/b/a Hugh L. Carey Battery Park City Authority, ("BPCA") is constructing a new Park Pavilion (the "New Pavilion") within Wagner Park, adjacent to Battery Place near the southwestern tip of Manhattan. The New Pavilion will replace a prior park pavilion structure of similar size, placement and orientation, which was demolished in 2023. The prior pavilion structure housed a restaurant, public restrooms, a storage area and a rooftop viewing area. Drawings, specifications and renderings for the New Pavilion are provided in <a href="Exhibit A">Exhibit A</a>, attached hereto. In keeping with the sustainability goals of BPCA, the New Pavilion is targeting International Living Future Institute ("IFLI") Zero Carbon Certification ("IFLI Certification"). More information about IFLI Certification can be found at the following IFLI website: <a href="https://living-future.org/zero-energy/certification/">https://living-future.org/zero-energy/certification/</a>.

The New Pavilion is divided into two (2) distinct wings, with the north wing (the "North Wing") identified for use as a community space (the "Community Space"), with a lower-level area devoted to BPCA Parks maintenance and storage; and the south wing (the "South Wing") designed to accommodate a potential replacement restaurant or other food service operation, with a kitchen at the lower level. As was the case with the prior pavilion structure, the New Pavilion will house public restrooms and a public rooftop viewing area. Both the park level and the rooftop of the New Pavilion will offer expansive views of the New York Harbor and the Statue of Liberty. The programming of and range of uses to be accommodated by the Community Space will be significantly informed by feedback received from the Battery Park City community through direct BPCA outreach processes, but are currently expected to include educational programming and activities, cultural events and exhibits, and community functions.

The New Pavilion will serve as an important element of the newly designed Wagner Park, which will incorporate critical risk reduction measures in defense of coastal storm surge and sea level rise. Both the park and the New Pavilion are expected to be substantially complete in March 2025.

BPCA is interested in exploring the possibility of a license agreement with a third-party entity for the South Wing, currently expected to focus on or include the provision of food and beverage service, although other proposed additional or alternative uses will be considered if they are found to address the needs or desires of the community and the public at large and to represent an appropriate park-related function or amenity. Additionally, although not required as an element of a response to this Request for Expressions of Interest ("RFEI"), respondents to the RFEI ("Interested Parties") may choose to express interest in synchronizing the operations of the South Wing with support for or certain blended operations with the identified functions of the Community Space. Interested Parties must have demonstrated experience in operating and managing similar types of public facilities.

As more fully described below, Interested Parties are encouraged to submit conceptual programming and operational concepts for the occupation of the main and lower levels of the South Wing, including the outside seating area at the perimeter of the South Wing. The rooftop level will not be included in the licensed space, as it is to remain open to, and accessible by, the public at all times. BPCA will take responses to this RFEI into consideration when determining an

acceptable range and/or combination of potential uses for the South Wing and intends to procure a licensee for the South Wing through a subsequent Request for Proposals ("RFP").

Responding to this RFEI is not mandatory in order to participate in any future RFP or other competitive procurement related to the New Pavilion. Responses submitted in response to this RFEI are deemed to have been submitted voluntarily, with the understanding that BPCA may use any such responses as it sees fit in its sole and absolute discretion. This RFEI is not a procurement or an offer and does not commence, or obligate the BPCA to commence, any competitive procurement opportunity for the future operation of the Southern Wing.

#### II. PROGRAMMING CONCEPTS

BPCA is seeking preliminary programming concepts from Interested Parties for operation of the South Wing, with the goal of addressing the needs and desires of the community and the public at large and establishing an appropriate park-related function or amenity for local residents and visitors to Wagner Park and the surrounding area. It is currently expected that such programming concept(s) will focus on or include one or more food service components. Other potential uses or program elements may also be suggested, subject to the above-described parameters.

Responses to this RFEI should demonstrate how Interested Parties would make use of all available space within the South Wing, including recommendations for active public use of the primary ground-floor space and use of the adjacent outdoor terrace and seating area. Responses should also include the approximate hours of operation for the suggested activities in each space, and examples of the types of furnishings and finishes that would be used.

While the North Wing's Community Space will be operated by BPCA, Interested Parties are encouraged to include in their RFEI responses suggestions for support of the programming of the Community Space and/or additional programming concepts that involve a blended use of all or a part of the two (2) Wings on a periodic basis. These suggestions would be considered by BPCA as long as access and use of the Community Space by the public is not diminished or compromised.

Food service concepts submitted should include consideration of:

- Price points that are aligned with and responsive to a diverse clientele;
- The residential nature of the adjacent neighborhood, and the need to mitigate significant noise or odors;
- A general desire for high-quality, healthy food options;
- Operating hours that are sensitive to the times of active park use and compatible with the neighborhood's character; and,
- Sustainability guidelines and objectives, and "green" carbon-reduction and energy saving targets.

[NO FURTHER TEXT ON THIS PAGE]

#### III. PAVILION DESCRIPTION AND CONDITIONS OF USE

#### **BPCA's SBPCR Project**

BPCA has historically been a citywide and nation-wide leader in environmental planning and sustainability, beginning with its publishing of pioneering environmental standards for building development in 1991. With the SBPCR Project, BPCA is now tackling a threat faced by much of the world: storm surge and rising waters caused by climate change. In 2018, AECOM USA Inc. ("AECOM") was contracted by BPCA to provide design, documentation, and engineering services for the SBPCR Project – which Project contemplates the creation of a continuous flood barrier from the Museum of Jewish Heritage, through Wagner Park, across Pier A Plaza, and along the northern border of Historic Battery Park, to a higher elevation point at State Street. Together, BPCA and AECOM have assembled a multi-disciplinary team of individuals with expertise in landscape architecture, planning policy, urban design, architecture and engineering tasked with achieving a shared goal to improve the physical, social, and economic resilience of Battery Park City ("BPC") – and, more broadly of Lower Manhattan as a whole.

#### The Pavilion

The Pavilion will be a newly built structure overlooking the lawns and gardens within the renovated, environmentally sustainable Wagner Park. The Pavilion will offer sweeping views of the Statue of Liberty and New York Harbor through expansive floor-to- ceiling windows and from the adjacent first-floor terrace that the Pavilion's future chosen licensee (the "Selected Licensee") will be responsible for.

The space that will potentially be the subject of a future license agreement with BPCA (the "Potentially Licensed Space") will include certain portions of the South Wing, specifically including:

- Main Floor space at elevated Park level including 2,792 square feet, which may be used for indoor dining area seating, along with limited back-of-house space and two (2) unisex bathrooms<sup>1</sup>, plus adjacent outdoor seating area;
- Ground Floor space (at lower Battery Place street level) including 2,511 square feet, uses for which may include a kitchen and/or other back-of-house uses; includes a single-unit restroom;

The remainder of the South Wing, as described below, will be excluded from the Potentially Licensed Space:

• First-floor public corridor covering 569 square feet including a janitor's closet, and a women's toilet with an accompanying vestibule;

<sup>&</sup>lt;sup>1</sup> If used for food and beverage service, this main-floor area can accommodate a maximum of approximately eighty (80) people (twenty (20) tables with four (4) diners each), a food preparation space, and two unisex restrooms – as well as access to a seasonal outdoor dining area for approximately 18 people (nine (9) tables with two (2) diners each).

Rooftop space covering 5,359 square feet, which is to be accessible to the public at all times, and may only be proposed for use (as part of the RFEI response) as a suggested blended-use concept as indicated in Section II., above.

The Pavilion will be constructed of reinforced and architectural concrete, which will be cast in place. The mechanical system will be fully-electrical (no gas) and equipped as follows:

- LED lighting throughout;
- An exhaust fan shall be provided for occupied storage, janitor's closets and other auxiliary spaces, and tempered outdoor air shall be provided to those spaces;
- Mechanical spaces and elevator hoists shall each have an exhaust fan to a) control temperature; and, b) in the case of elevator machinery, limit humidity exposure to the manufacturer's specified limits;
- All toilets will be provided with exhaust systems for proper ventilation;
- Main distribution ductwork will be installed in the Facility's major zones and capped off for the selected operator ("Selected Operator") to distribute;
- Back-up electric unit heaters shall be provided in the water meter room/sprinkler room, and reduced pressure zone (RPZ) room;
- To achieve the ILFI Certification goals, the following equipment guidelines must be implemented for any proposed food and beverage operations:
  - o ENERGY STAR® appliances;
  - o Electric induction cooktops;
  - Ventless dishwashers:
  - o Dishwashers with internal booster heaters only (no exterior boosters);
  - o Tankless water heater;
  - o Waterless hot/cold food wells instead of water wells; and,
  - o Use of induction heating equipment, where applicable.

BPCA intends to provide the core and shell of the Facility as-is, along with basic operating systems and infrastructure connections for the South Wing. The Selected Operator will be responsible for the completion of all necessary Southern Wing interior fit-out, in active consultation with and subject to the approval of BPCA – which may include, but not necessarily be limited to, the following:

- Provision and installation of any additional temperature control systems required for the specific use contemplated;
- Provision and installation of all necessary signage;
- Provision and installation of all interior furnishings;
- Provision of connections to the plumbing system provided, including all piping, fixtures, drainage and water; and,
- For Interested Firms proposing food and beverage programming:
  - o Provision and installation of grease traps throughout, as applicable and in accordance with all applicable rules, laws and regulations; and,
  - o Purchase, installation and maintenance of any kitchen equipment fixtures, if/as necessary for the specific use contemplated. Such equipment may include, but is not limited to: walk-in refrigerators, stoves, ovens, grilles, counters, and exhaust and fire suppression systems.

#### IV. SUSTAINABILITY REQUIREMENTS

BPCA's ten (10)-year sustainability plan, the BPC Sustainability Plan (the "Sustainability Plan," available at https://bpca.ny.gov/wp-content/uploads/2020/09/BPC-Sustainability-Plan.pdf), lays out its commitment to take and facilitate bold action to enhance environmental sustainability and significantly reduce greenhouse gas emissions in BPC. The Sustainability Plan puts forth a holistic vision of environmental sustainability, including health and wellness, environmental quality, and education. As such, the Pavilion is expected to obtain IFLI Certification, the first worldwide zero carbon third-party certified standard. The IFLI Certification program recognizes the growing interest and focus on a broad-based tool for highlighting highly energy-efficient buildings which are designed and operated to fully account for their carbon emissions impacts. Sustainable operations and maintenance of the Pavilion's South Wing will be required in order for the Pavilion as a whole to be eligible for IFLI Certification. More information about IFLI Certification can be found at the following IFLI website: https://living-future.org/zero-energy/certification/.

Responses to the RFEI should consider how the Southern Wing's fit-out and operations can contribute to the Pavilion's ILFI Certification and, more broadly, enhance environmental sustainability within BPC. To that end, BPCA is interested in information concerning "green" building operating strategies that adhere to BPCA's <u>BPC Green Guidelines</u>, specifically regarding:

- Choice of materials for furniture, fixtures, and fit-out;
- Waste management;
- Product procurement;
- Water use:
- Indoor environmental and air quality; and,
- Green cleaning.

#### V. SUBMISSION OF RFEI RESPONSE

Responses to this RFEI must be no more than 20 pages (12 point, single spaced) including any diagrams, drawings and illustrations. All submissions must be submitted in digital format (electronic PDF) to RFEI@bpca.ny.gov by, 2023 addressed to:

Pavilion RFEI 200 Liberty Street, 24<sup>th</sup> Floor New York, NY 10281

RFEI responses should include the following general information: a

- A. Interested Party's name, mailing address and website;
- B. Primary contact name, title, phone number and email address;
- C. A concise description of the Interested Party's business;

- D. Detailed description of the Interested Party's proposed use concept for the Potentially Licensed Space, including but not limited to:
  - 1) How the available square footage would be allocated and laid out to accommodate the proposed use.
  - 2) Proposed hours of operation and, if the proposed use involves food and beverage service, types and price points of products to be offered and how offerings may vary at different times of the day.
  - 3) Whether the proposed use would vary according to seasonal changes and how the Interested Party would seek to optimize use of the space over the course of changing seasons.
  - 4) Types of furnishings, fixtures and finishes that would be utilized within the space.
  - 5) How the Interested Party's use concept and operations would be tailored to respond to the unique needs and desires of the surrounding community and visitors to Wagner Park and its surrounding environs.
  - 6) How the Interested Party's use concept and operations would be compatible with the objectives of BPCA's Sustainability Plan and adhere to the sustainability requirements referenced above.
  - 7) Any special services or programs that would be targeted to community residents.
  - 8) Any other critical use program aspect or consideration that the Interested Party wishes to have BPCA consider.
- E. A description of any similar projects, business or undertakings that the Interested Party has owned, operated or managed.
- F. A description of how the proposed use concept for the Potentially Licensed Space may complement, support and/or enhance possible educational programming and activities, cultural events/exhibits, and community functions of the Community Space in the North Wing of the New Pavilion.

Any inquiries concerning this RFEI should be directed by e-mail, under the subject line "BPCA Wagner Park Pavilion License", to RFEI@bpca.ny.gov. All questions must be submitted no later than November 3, 2023. BPCA will post answers to the questions received by the deadline no later than November 10, 2023 on its website at: https://bpca.ny.gov/home/.

By submitting an RFEI response, the Interested Party submitting such response acknowledges and agrees that the cost associated with preparing a response to this RFEI is at the sole cost and expense of the Interested Party, and that such Interested Party will make no claim against BPCA, its staff or its consultants for the reimbursement of costs and expenses incurred as a result of this RFEI process.

[NO FURTHER TEXT ON THIS PAGE]

#### VI. <u>BPCA RESERVED RIGHTS</u>

This RFEI does not obligate BPCA to enter into a contract with, nor does this RFEI constitute an offer or tender to enter into a contract with, any Interested Firm. No competitive procurement process has commenced with the issuance of this RFEI and this RFEI is not notice intent to enter into a competitive procurement process. No legal relations are created by this RFEI, or the responses to this RFEI. All responses to this RFEI shall become the property of BPCA and shall not be returned.

No information contained in any responses to this RFEI shall be deemed confidential and such information may be shared with others as deemed appropriate by BPCA.

BPCA shall not be liable for any costs incurred by any Interested Firm in the preparation, submittal, presentation or revision of its response to this RFEI.

BPCA retains the right, but will not be obligated to:

- Interview any, all or none of the Interested Parties or request clarification, additional information or supporting data;
- Solicit further input from any Interested Party;
- Commence a competitive solicitation process at any time, independent of and without regard to this RFEI and its response;
- Respond to questions regarding this RFEI or circulate any questions and responses to all Interested Parties.
- Withdraw or cancel this RFEI at any time;
- Make use of any all or none of the submitted responses to this RFEI at any point, present or future;
- Use the ideas and/or submissions in any manner deemed to be in the best interests of BPCA, including but not limited to soliciting one or more competitive procurements relating to such ideas or proposals and/or undertake the prescribed work in a manner other than that which is set forth herein; and
- Add to, delete or change any element or provision of the RFEI.

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#### **EXHIBIT A**

RENDERINGS AND PLANS FOR THE WAGNER PARK PAVILION







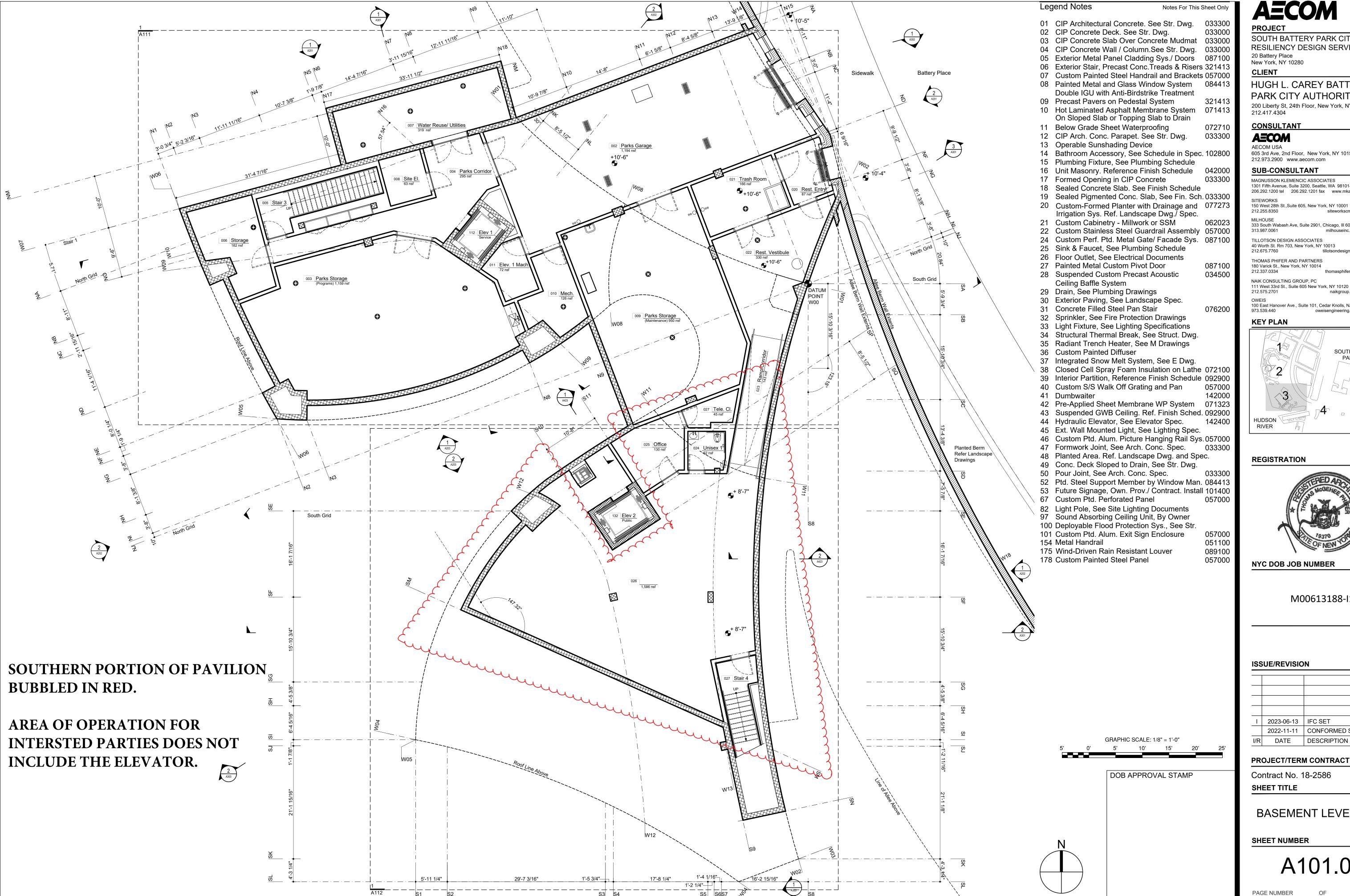












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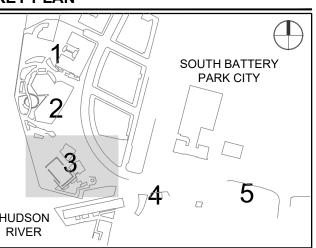
TILLOTSON DESIGN ASSOCIATES 40 Worth St. Rm 703, New York, NY 10013

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# **KEY PLAN**



**REGISTRATION** 



**NYC DOB JOB NUMBER** 

M00613188-I1

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Ι	2023-06-13	IFC SET
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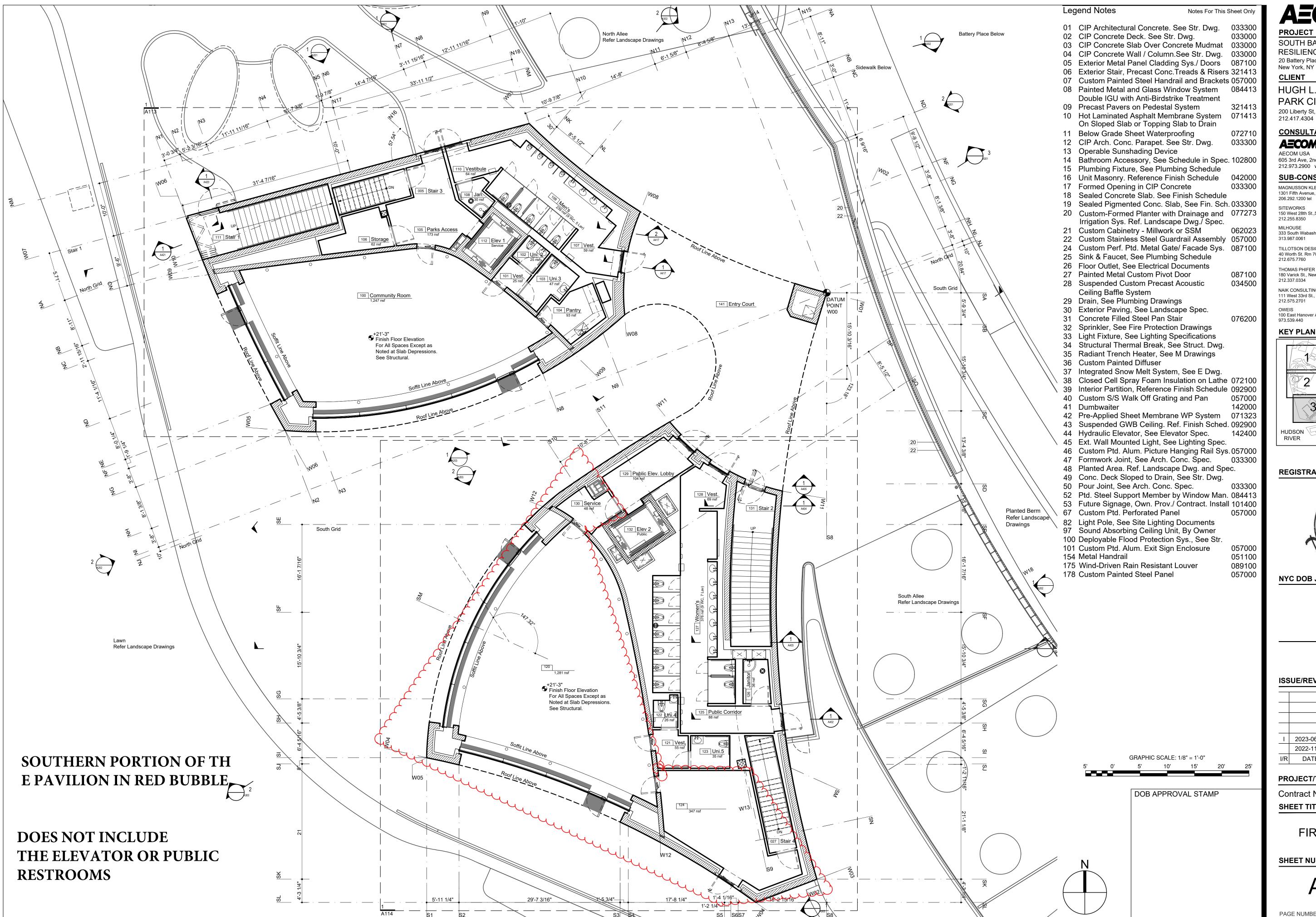
Contract No. 18-2586 **SHEET TITLE** 

BASEMENT LEVEL PLAN

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A101.00

PAGE NUMBER



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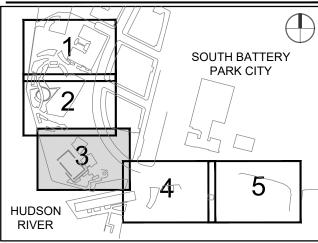
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## **KEY PLAN**



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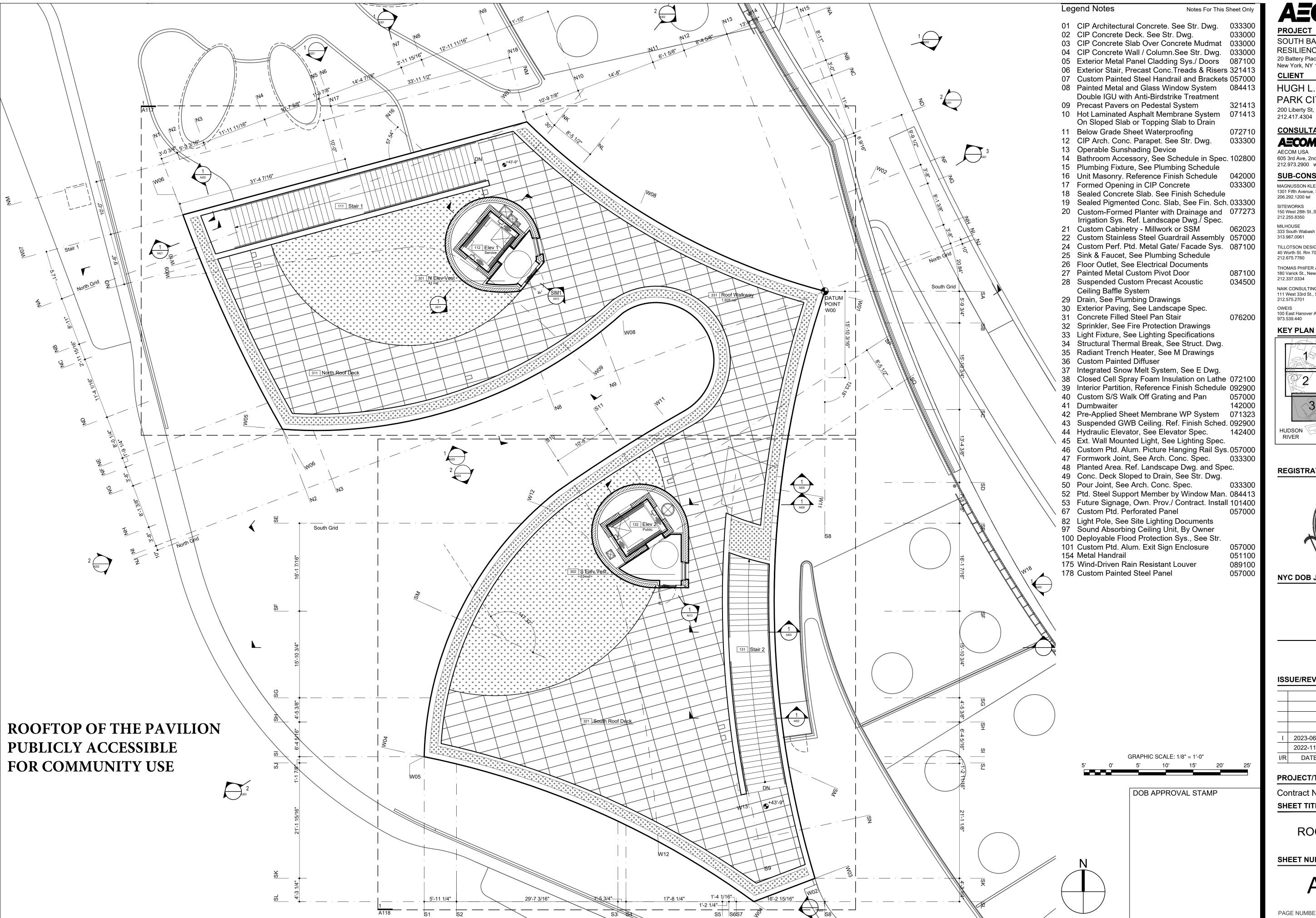
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FIRST LEVEL PLAN

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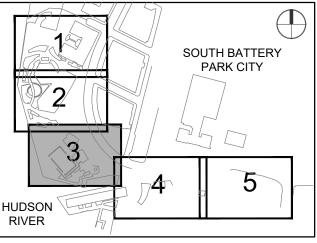
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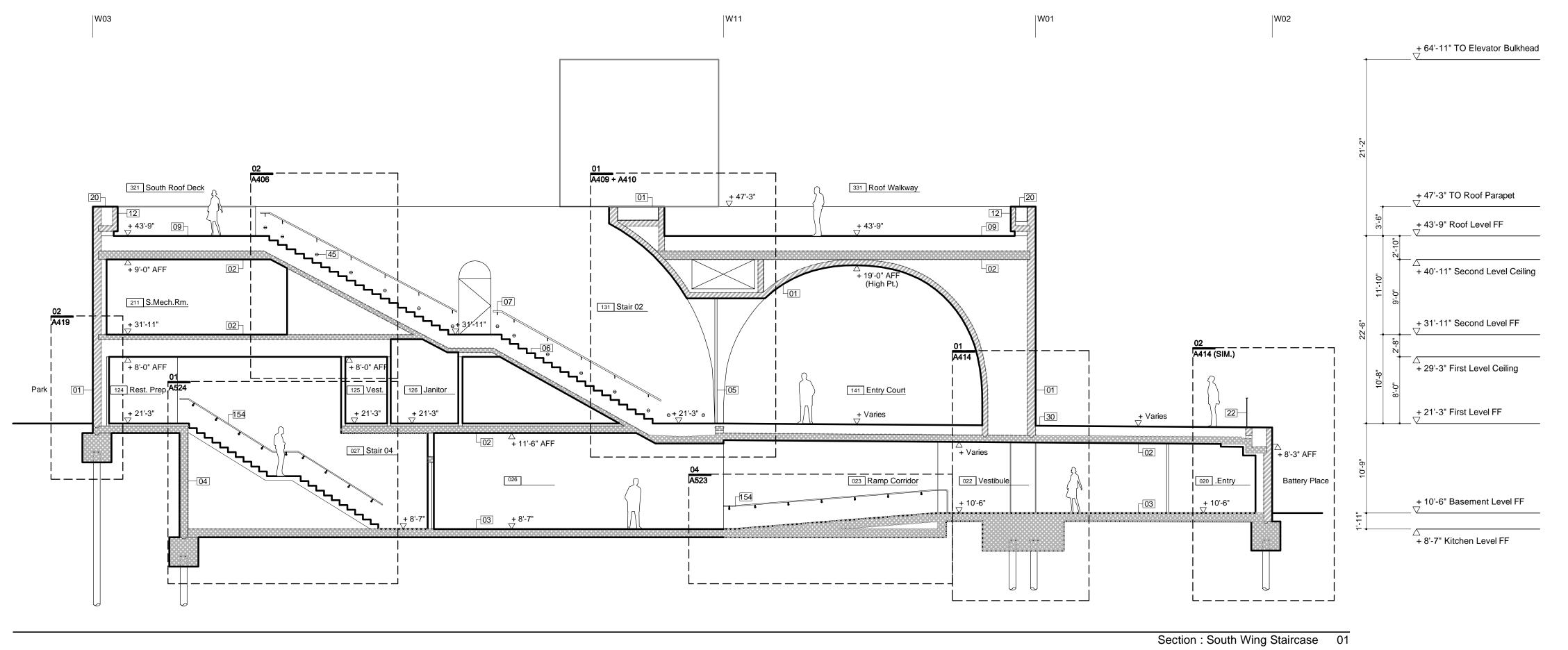
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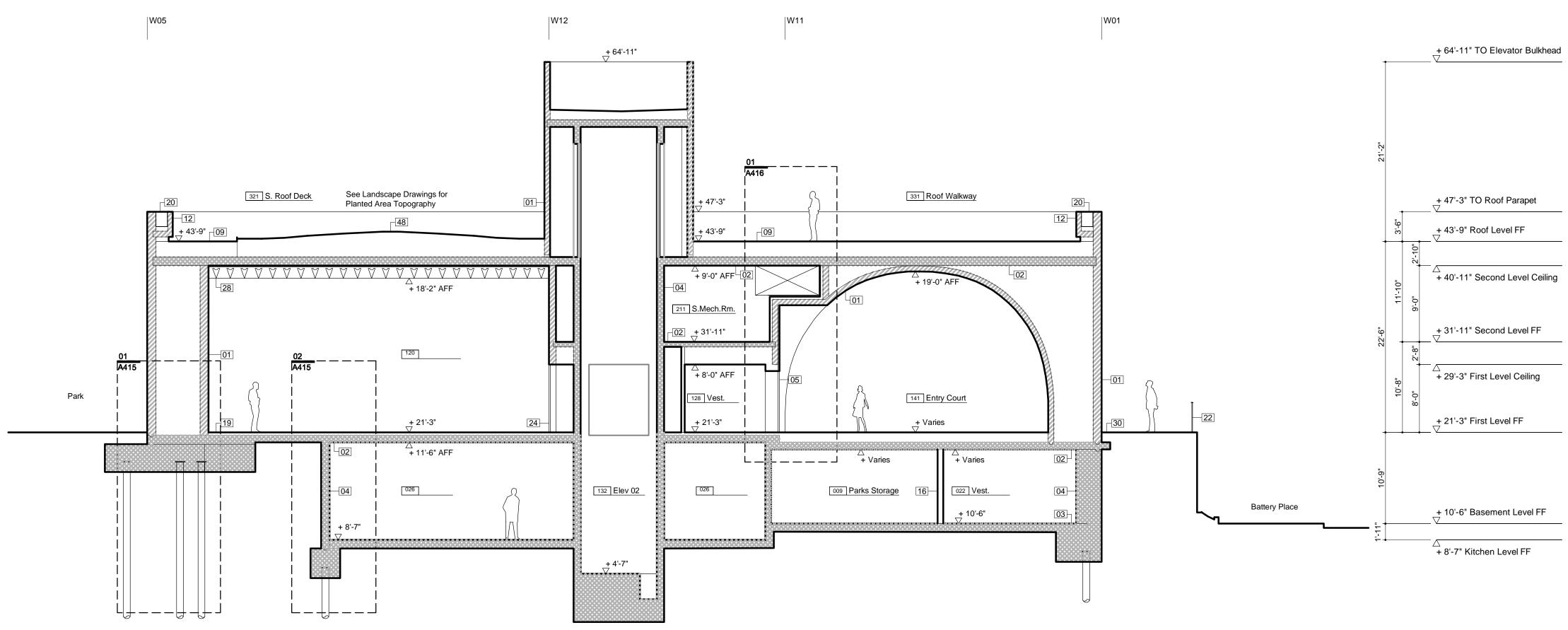
ROOF LEVEL PLAN

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#### Legend Notes Notes For This Sheet Only 01 CIP Architectural Concrete. See Str. Dwg. 033300

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02 CIP Concrete Deck. See Str. Dwg.

09 Precast Pavers on Pedestal System

11 Below Grade Sheet Waterproofing

17 Formed Opening in CIP Concrete

21 Custom Cabinetry - Millwork or SSM

25 Sink & Faucet, See Plumbing Schedule

26 Floor Outlet, See Electrical Documents

28 Suspended Custom Precast Acoustic

30 Exterior Paving, See Landscape Spec.

32 Sprinkler, See Fire Protection Drawings

33 Light Fixture, See Lighting Specifications

35 Radiant Trench Heater, See M Drawings

34 Structural Thermal Break, See Struct. Dwg.

37 Integrated Snow Melt System, See E Dwg.

40 Custom S/S Walk Off Grating and Pan

38 Closed Cell Spray Foam Insulation on Lathe 072100 39 Interior Partition, Reference Finish Schedule 092900

42 Pre-Applied Sheet Membrane WP System 071323 43 Suspended GWB Ceiling. Ref. Finish Sched. 092900

27 Painted Metal Custom Pivot Door

Ceiling Baffle System

36 Custom Painted Diffuser

41 Dumbwaiter

29 Drain, See Plumbing Drawings

31 Concrete Filled Steel Pan Stair

13 Operable Sunshading Device

12 CIP Arch. Conc. Parapet. See Str. Dwg.

15 Plumbing Fixture, See Plumbing Schedule

18 Sealed Concrete Slab. See Finish Schedule

03 CIP Concrete Slab Over Concrete Mudmat 033000

04 CIP Concrete Wall / Column.See Str. Dwg. 033000

05 Exterior Metal Panel Cladding Sys./ Doors 087100

06 Exterior Stair, Precast Conc. Treads & Risers 321413

07 Custom Painted Steel Handrail and Brackets 057000

08 Painted Metal and Glass Window System 084413

10 Hot Laminated Asphalt Membrane System 071413

14 Bathroom Accessory, See Schedule in Spec. 102800

16 Unit Masonry. Reference Finish Schedule 042000

19 Sealed Pigmented Conc. Slab, See Fin. Sch. 033300

20 Custom-Formed Planter with Drainage and 077273

22 Custom Stainless Steel Guardrail Assembly 057000

24 Custom Perf. Ptd. Metal Gate/ Facade Sys. 087100

Irrigation Sys. Ref. Landscape Dwg./ Spec.

Double IGU with Anti-Birdstrike Treatment

On Sloped Slab or Topping Slab to Drain

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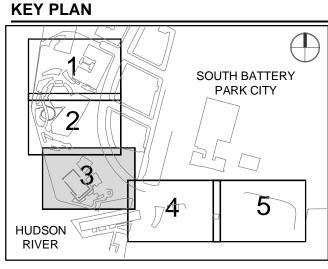
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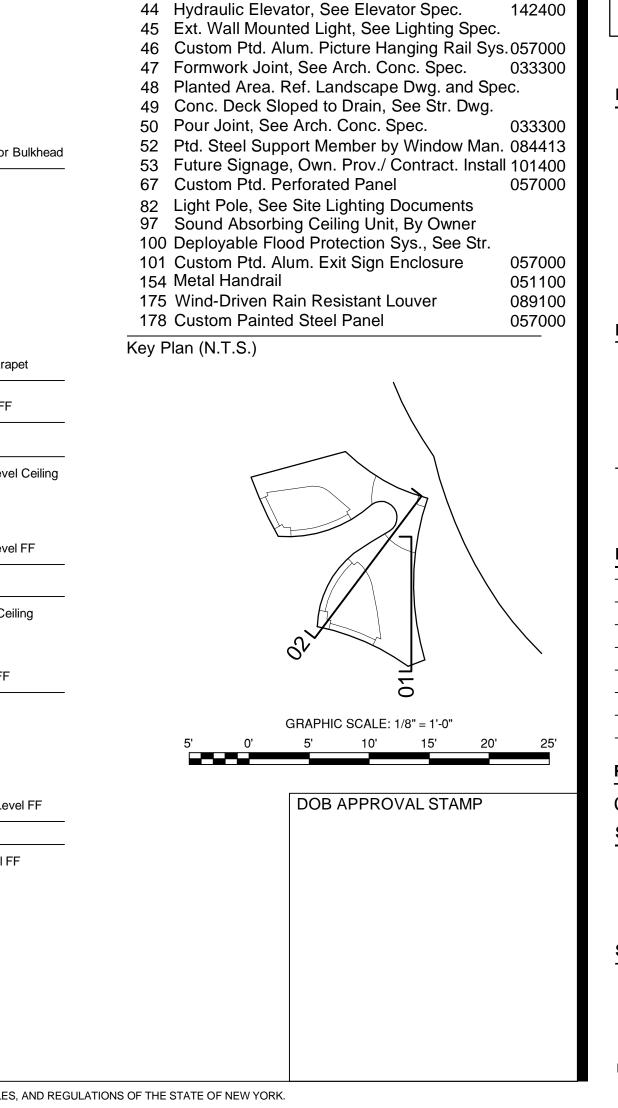
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**SECTION** 

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Section: South Wing 02