CITY OF HOUSTON

Annise D. Parker
Mayor

HOUSTON AIRPORT SYSTEM

Mario C. Diaz
Director of Aviation

George Bush Intercontinental ~ William P. Hobby ~ Ellington Airport

October 2, 2014

SUBJECT: Letter of Clarification No. 4

REFERENCE: Request for Proposals (RFP) for Retail Concessions for William P. Hobby Airport
Solicitation Nos. H08-HR1-2015-001; HOU Retail Package One
H08-HR2-2015-002; HOU Retail Package Two

TO: All Prospective Respondents

This Letter of Clarification (LOC) is issued to (I) to extend deadline for written questions, (II) add additional language to the solicitation document, (III) replace pages in the solicitation document, (IV) add an Exhibit to the solicitation document, (V) provide revised responses to questions in LOC No. 3, and (VI) modify Sample Agreement as noted:

I. Extend deadline for written questions no later than 2:00 P.M. CST, Thursday, October 9, 2014.

II. The following language is added to the referenced solicitations:

A. RETENTION REQUIREMENTS:

Concessionaire shall offer continued employment to existing non-supervisory concession personnel located at the Facilities set forth in **Attachment A, Section 1.18** of the solicitation that are occupied by an incumbent Concessionaire on the Effective Date. However, Concessionaire shall not be obligated to retain such existing personnel (on an individual basis) in a particular Facility if it demonstrates to the satisfaction of the City that: (i) individually, the existing concession personnel do not have the experience to provide the services that Concessionaire requires for that particular Facility even if they were to be appropriately trained as new employees by Concessionaire, or (ii) Concessionaire does not need as many employees in the particular Facility as its predecessor required to operate the concession.

Concessionaire shall ensure that all subcontracts for operating the Facilities contain the above language.

Council Members: Brenda Stardig Jerry Davis Ellen R. Cohen Dwight A. Boykins Dave Martin Richard Nguyen Oliver Pennington Edward Gonzalez Robert Gallegos Mike Laster Larry V. Green Stephen C. Costello David W. Robinson Michael Kubosh C.O. "Brad" Bradford Jack Christie
Controller: Ronald C. Green

B. LABOR RELATIONS PLAN

Respondents are required to submit an explanation of how they plan to maintain harmonious relations with organized labor. **Exhibit XXIII**; Labor Relations Plan Form, must be completed and submitted with Respondent's proposal.

C. COLLECTIVE BARGAINING AGREEMENT OR LABOR RELATIONS PLAN

If Respondent(s) have an existing collective bargaining agreement with a union that would be applicable to employees who would be working on the City's facilities, then a copy of the complete agreement should be included in the proposal.

If Respondent(s) do not have an applicable existing collective bargaining agreement, then Respondent(s) must describe how it would maintain labor peace by:

1. Stating what Respondent's response would be to any union organizing drive; and
2. Describing what policies or procedures it would utilize in order to enable employees to address any complaint they may have with management regarding wages, hours or other terms and conditions of employment.

If Respondent(s) have ever had an unfair labor practice charge filed against it with the National Labor Relations Board (NLRB) in the past ten years, then a copy of the charge and a detailed description of the resolution should be included in the proposal.

The Respondent(s) may provide any other information it believes will explain its plan for maintaining labor peace or its history of labor relations.

III. Replace the following pages:

1. Please replace page 20, Proposal Outline and Minimum Content Requirements with the **"REVISED"**, page 20, Proposal Outline and Minimum Content Requirements to include added **Section 5.1.3.**

2. Please replace **EXHIBIT XXII**, Required Proposal Submittal Check Sheet with the **EXHIBIT XXII "REVISED"**, Required Proposal Submittal Check Sheet to included added item 27.

IV. Add EXHIBIT XXIII, LABOR RELATIONS PLAN FORM to the referenced solicitations. Exhibit XXIII must be completed and submitted with each proposal.

V. Revised responses to the following questions from LOC No. 3

A. Question (5): The solicitation indicates in Exhibit XVIII Exclusive Subconcessionaire Agreements that it is forbidden to restrict subconcessionaires from also being a subconcessionaire in any other Proposer's proposal package. It does not speak about ACDBE partners that form a joint venture and as part of the joint venture are owners of the Proposer entity. Joint Venture partners have a very different relationship to a joint venture Proposer versus a subconcessionaire. Please confirm that it is permitted to have exclusive arrangements with joint venture partners, either ACDBE or Non-ACDBE if they are part of the ownership of the joint venture where such joint venture is the Proposer entity. These partners are not subconcessionaires.

Response:

An ACDBE cannot be a joint venture partner and win multiple packages at the same airport.

B. **Question (15):** Are CAD files/ drawings available for each space in each RFP package? Or alternatively are line drawings to scale available that show details of the space such as pillars, electric or HVAC ducts?

Response:

PDFs only are available at this time. Details of space are not available. Please prepare renderings for your proposed concepts of specific sizes. All is subject to HAS approval.

VI. Modify the Sample Agreement as noted:

A. Renumber the existing **Section 6.1.10 to 6.1.11**.

B. Add new **Section 6.1.10** to read as following:

"6.1.10 Concessionaire shall maintain a minimum score of 85% throughout the term of this Agreement on all HAS-provided mystery shopper evaluations."

When issued, Letter(s) of Clarification shall automatically become a part of the solicitation documents and shall supersede any previous specification(s) and/or provision(s) in conflict with Letter(s) of Clarification. LOC(s) will be incorporated into the Agreement(s) as applicable. It is the responsibility of the respondent(s) to ensure that it has obtained all such letter(s). By submitting a Proposal on these solicitations, respondent(s) shall be deemed to have received all LOC(s) and to have incorporated them into this proposal(s).

If further clarification is needed regarding this solicitation, please contact Elnora Williams, Sr. Procurement Specialist, via email (preferred method) at Elnora.Williams@houstontx.gov or via phone at (281)230-8024.

Dallas Evans
for Justina J. Mann, CPPO
Chief Procurement Officer
Houston Airport System

EXHIBIT XXIII
LABOR RELATIONS PLAN FORM
SOLICITATION NO.: H08- R -2015-00

LABOR RELATIONS PLAN FORM

This form must be completed, signed and included in the bid package. Failure to do so can result in the bid being considered incomplete and as a result, rejected.

Business Name: _____

Address: _____

City, State and Zip: _____

1. Does your business have an existing collective bargaining agreement with a union that would be applicable to employees who would be working on the City's facilities should a contract be awarded?

☐ **YES** Please attach a complete copy of the agreement(s) and skip to item No. 3.

☐ **NO** Please respond to item No. 2.

2. Please describe in detail how your business will maintain labor peace. **Attach additional sheets or copies of existing policies or procedures if necessary.**

A. What would your business' response be to any union organizing drive?

_____

_____

_____

B. Describe what policies or procedures your business would utilize in order to enable employees to address any complaint they may have with management regarding wages, hours or other terms and conditions or employment. This requirement may be satisfied if you have entered into or propose to enter into an agreement with a labor union to ensure uninterrupted service under this procurement. Please provide a copy of any such agreement.

_____

_____

_____

3. Has your business ever had an unfair labor practice charge filed against it with the National Labor Relations Board (NLRB) in the past ten years?

☐ **YES** Please attach a complete copy of each charge and a detailed description of its resolution.

☐ **NO**

Name of Person Completing Form: _____

Signature Title Date

City of Houston Form, Updated August 28, 2014

5.5 PROPOSAL GUARANTEE

5.5.1 A certified or cashier's check for **$50,000.00** issued by a solvent bank, payable to the Houston Airport System shall be the Proposer's good faith deposit.

5.5.2 The certified or cashier's check shall be given as security to guarantee that if the Proposer's Proposal is accepted, the Proposer will furnish HAS with the required Performance Security, insurance, and signed Contract documents prior to submission of the Contract(s) for City Council consideration. Upon City Council approval of a Concession Contract, all good faith deposits will be returned to all Proposers. If the Selected Proposer(s) fail(s) to enter into the Retail Concession Contract(s) or furnish the required performance security and insurance documents, the Proposer(s)'s good faith deposit(s) may be cashed and retained by HAS.

5.6 CUSTOMER SERVICE/MANAGEMENT AND OPERATIONS PLAN

5.6.1 Proposers shall submit a customer service/management and operation plan per **ATTACHMENT A,** Scope of Work, Section 1.11.

5.6.1.1 Proposer shall submit **EXHIBIT XIV,** to support business plan proposed per **ATTACHMENT A,** Scope of Work, Section 1.11.

5.7 CONCEPT DEVELOPMENT AND MERCHANDISE MIX

5.7.1 Proposer shall submit Concept Development and Merchandise Mix per **ATTACHMENT A,** Scope of Work, Sections 1.21 and 1.22. **(EXHIBIT XIII)**

5.8 DESIGN, MATERIAL AND SUSTAINABLITY

5.8.1 Proposer shall submit physical design and construction of the proposed locations per **ATTACHMENT A,** Scope of Work, Section 1.13.

5.9 BACKGROUND AND EXPERIENCE

5.9.1 Proposer shall submit overall background and experience per **ATTACHMENT A,** Scope of Work, Section 1.14 and Experience and Qualification Statements **(EXHIBIT X).**

5.10 COMPENSATION TO CITY

5.10.1 Proposers shall propose Percentage Fee Rate(s) **(EXHIBIT III)**

5.11 FINANCIAL CAPABILITY OF PROPOSER

5.11.1 Submit your company's audited annual financial statements, in accordance with and as defined in the Financial Accounting Standards Board (FASB) regulation(s) for the past two years. In addition, include your Dunn & Bradstreet Report or Federal Tax Forms filed with the Internal Revenue Service (IRS) for the past two years.

5.12 ACDBE PLAN

5.12.1 Proposer should submit a proposed ACDBE Plan using **EXHIBIT II**, Airport Concessions Disadvantaged Business Enterprise (ACDBE) Forms.

5.13 LABOR RELATIONS PLAN

Proposer shall submit Labor Relations Plan Form **(EXHIBIT XXIII)**

EXHIBIT XXII: "REVISED" REQUIRED PROPOSAL SUBMITTAL CHECK SHEET

SOLICITATION NO.: H08-_ _ _-2015-_ _ _

The following submittals must be completed and submitted with each Proposal

Item #	Required Proposal Submittal Check Sheet	Check (√)
1.	Title Page	
2.	EXHIBIT I - Offer and Submittal	
3.	Letter of Transmittal	
4.	Executive Summary	
5.	Proposal Guarantee	
6.	Customer Service/Management and Operations Plan	
7.	EXHIBIT XIV - Business Plan	
8.	EXHIBIT XIII - Concept Development and Merchandise Mix	
9.	Design, Material and Sustainability	
10.	EXHIBIT X - Experience and Qualification Statement	
11.	EXHIBIT III - Compensation to City	
12.	Financials	
13.	EXHIBIT II - ACDBE Plan	
14.	EXHIBIT V - Fair Campaign Ordinance Form "A"	
15.	EXHIBIT VI - Affidavit of Ownership or Control	
16.	EXHIBIT VII - Drug Compliance Agreement Attachment "A" and Contractor's Certification of No Safety Impact Positions Attachment "C"	
17.	EXHIBIT VIII - Anti-Collusion Statement	
18.	EXHIBIT IX - Conflict of Interest Questionnaire	
19.	EXHIBIT XI - Pre-Proposal Tour Registration Form	
20.	EXHIBIT XV - Contact Directory Form	
21.	EXHIBIT XVI - Preference Award Form	
22.	EXHIBIT XVII - List of References	
23.	EXHIBIT XVIII - Exclusive Subconcessionaire Agreements Certification	
24.	EXHIBIT XIX - Acknowledgment of Insurance and Bonding Requirements	
25.	EXHIBIT XX - Proof of Insurance and Bonding Capacity	
26.	Requested Information Outlined in the Scope of Work and Other Additional Relevant/Supporting Information	
27.	EXHIBIT XXIII – Labor Relations Plan Form	